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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 10851-10900.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 15, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10851. Adulteration of tomato sauce. U. S. v. 50 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14432. I. S. No. 1659-t. S. No. C-2718-a.)

On January 17, 1921, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of tomato sauce, at Crowley, La., alleging that the article had been shipped by the J. T. Polk Co., from Mound City, Ill., on or about November 29, 1920, and transported from the State of Illinois into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Contents 8 Ounces, Polk's Best Spanish Style Tomato Sauce. J. T. Polk Company, Chicago, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On May 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10852. Adulteration and misbranding of grape cordial. U. S. v. 1 Keg of Nonalcoholic Artificial Flavor and Color Red Grape Cordial. Default decree ordering destruction of product. (F. & D. No. 14593. I. S. No. 8274-t. S. No. E-3160.)

On or about March 7, 1921, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 keg of nonalcoholic artificial flavor and color red grape cordial, remaining unsold in the original package at New Martinsville, W. Va., alleging that the article had been shipped by the Arlette Fruit Products Co., St. Louis, Mo., from East St. Louis, Ill., on or about December 8, 1920, and transported from the State of Illinois into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "* * * Red Grape Cordial * * * Arlette Fruit Products Co. St. Louis, Mo."

Adulteration of the article was alleged in substance in the libel for the reason that an artificially colored mixture of sugar, saccharin, tartaric acid, water, and benzoic acid had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage and inferiority were concealed, and for the further reason that it contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render the article injurious to health.

Misbranding was alleged in substance for the reason that the statements appearing on the label on the keg containing the article, " * * * Artificial Flavor And Color Red Grape Cordial Flavor * * * Guarantee The contents of this package guaranteed to comply with all laws," were false and misleading and deceived and misled the purchaser, for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside label thereof.

On September 29, 1921, no claimant having appeared for the property, judgment of the court was entered finding the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10853. Adulteration of tomato catsup. U. S. v. 210 Cases of Catsup. Decree ordering release of product under bond. (F. & D. No. 14657. I. S. No. 2987-t. S. No. C-2888.)

On March 22, 1921, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 210 cases of catsup, at Shreveport, La., alleging that the article had been shipped by J. T. Polk Co., from Mound City, Ill., on or about November 23, 1920, and transported from the State of Illinois into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Contents One Pound Avd. Polk's Best Catsup J. T. Polk Co., Chicago."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On October 15, 1921, the Sears & Nichols Canning Co. (successors to the J. T. Polk Co.) having intervened as claimant for the property, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the bad portion be segregated by the said claimant from the good portion and destroyed and that the portion considered to be good by said claimant be released only upon examination and approval of this department, and that the said claimant be permitted to salvage all bottles, screw caps, boxes, and fillers of the goods.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10854. Misbranding of Garren's blood purifier and tonic. U. S. v. 305 Dozen Bottles of Garren's Blood Purifier and Tonic. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 14787. S. No. E-3317.)

On April 14, 1921, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 305 dozen bottles of Garren's blood purifier and tonic, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped on or about March 1, 1921, by the Asheville Medicine Co., from Hendersonville, N. C., and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cartons) "Blood Purifier * * * for Indigestion, Dyspepsia, Nervousness, Weakness, * * * Disorders of the Blood, * * * Impure Blood, * * * for Pimples, Blotches, Tumors, Boils, Ringworm, Scrofula, Ulcers and Syphilis. * * * Indigestion * * * Powerful purifier of the blood;" (bottles) "Blood Purifier, * * * Indigestion, * * * A Purifier of the Blood, * * * Impurities of the Blood."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of plant drugs, including hydrastis, a benzoate, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the words and figures so marked, branded, and labeled in and upon the said cartons and bottles aforesaid, regarding the curative and therapeutic effects of such article, were false and fraudulent.

On November 15, 1921, the Asheville Medicine Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10855. Adulteration and misbranding of soluble saccharin. U. S. v. 5 Pounds and 5 Pounds of Soluble Saccharin. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14977, 15041. I. S. Nos. 1962-t, 3152-t, 4766-t. S. Nos. C-3071, C-3070.)

On June 13 and June 25, 1921, the United States attorney for the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 pounds and 5 pounds of soluble saccharin, so-called, remaining in the original packages at San Antonio and Waco, Texas, alleging that the article had been shipped on or about July 24 and August 20, 1918, by the Sethness Co., Chicago, Ill., and transported from the State of Illinois into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cosco Brand Soluble Saccharine Guaranteed under the Food and Drugs Act of June 30, 1906 By Sethness Company Chicago, U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of soluble saccharin, insoluble saccharin, and sodium bicarbonate.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, and for the further reason that the strength and purity of said article fell below the professed standard of quality under which it was sold.

Misbranding was alleged for the reason that statements in the labeling of the article, "Guaranteed under the Food and Drugs Act of June 30, 1906 * * * Soluble Saccharine," were false and misleading, and for the further reason that said article was an imitation of and offered for sale under the name of another article.

On December 20 and November 23, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10856. Adulteration and misbranding of canned salmon. U. S. v. 599 Cases and 59 Cases of Canned Salmon. Decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 15859, 15860. I. S. Nos. 1312-t, 1315-t. S. No. C-3381.)

On December 23, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 599 cases and 59 cases, respectively, of canned salmon, at Little Rock, Ark., alleging that the article had been shipped by the Lowman Co., Anacortes, Wash., on or about October 4, 1921, and transported from the State of Washington into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunny South Brand Contents 1 Lb. Fresh Salmon Chum Packed by Coast Fish Company The Lowman Co. Successors, Anacortes, Wash., U. S. A."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged in substance for the reason that there appeared on the cans containing the article the following statement, "Fresh Salmon," which was false and misleading in that the said article contained decomposed fish in a material proportion of the said cans.

On June 6, 1922, the two cases having been consolidated under one proceeding, a decree of the court was entered ordering that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10857. Misbranding of olive oil. U. S. v. 9, et al, Cans of Olive Oil. Default decrees of condemnation and forfeiture. Product ordered sold. (F. & D. Nos. 15514, 15515, 15746, 15748, 15950. I. S. Nos. 12802-t, 12803-t, 12804-t, 12805-t, 12806-t, 12807-t, 12808-t, 12809-t, 12814-t, 12815-t. S. Nos. W-1018, W-1018-a, W-1037, W-1043.)

On November 19, 1921, and January 3 and 28, 1922, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 cans, each containing 1 gallon, 65 2-quart cans, and 115 1-quart cans of olive oil, at Salt Lake City and Helper, Utah, alleging that the article had been shipped between the dates of March 8, 1921, and September 23, 1921, by Deligiannis Bros., Chicago, Ill., and transported from the State of Illinois into the State of Utah, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Contents One Gallon," or "Net Contents Two Quarts," or "Net Contents One Quart" "Pure Olive Oil Universal Brand Deligiannis Bros. Chicago U. S. A."

Misbranding of the article was alleged in the libels for the reason that the statements on the labels, "Net Contents One Gallon," "Net Contents Two Quarts," and "Net Contents One Quart," were false and misleading in that the net contents were not 1 gallon, 2 quarts, and 1 quart, and for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 23 and March 28, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be so labeled and branded as to correctly designate the contents thereof, and that the same be sold by the United States marshal at public auction.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10858. Adulteration and misbranding of tea. U. S. v. 75 Cans of Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15969. I. S. No. 3109-t. S. No. C-3418.)

On February 4, 1922, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cans of tea, remaining in the original unbroken packages at Louisville, Ky., consigned by the Bohea Importing Co., Baltimore, Md., alleging that the article had been shipped on or about December 3, 1921, and transported from the State of Maryland into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "King George * * * Flowery Orange Pekoe Ceylon-India Tea Bohea Importing Co. Baltimore, U. S. A. King George Ceylon-India Tea is an expert blending of very choice growths from the High Altitude Districts. It will be enjoyed for matchless qualities of drink * * * $\frac{1}{2}$ Pound Net Weight When Packed."

Adulteration of the article was alleged in the libel for the reason that a grade or grades of tea other than Flowery Orange Pekoe had been mixed and packed with and substituted wholly or in part therefor.

Misbranding was alleged for the reason that the statements, "Flowery Orange Pekoe * * * $\frac{1}{2}$ Pound Net Weight When Packed," were false and misleading, and deceived and misled the purchaser, and for the further reason that said article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 29, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10859. Adulteration and misbranding of butter. U. S. v. 48 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16694. I. S. No. 2505-v. S. No. E-4096.)

On July 31, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on August 3, 1922, an amended libel, praying the seizure and condemnation of 48 tubs of

butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Montrose Cooperative Creamery, Montrose, Minn., alleging that the article had been shipped from Montrose, Minn., on or about July 21, 1922, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted wholly or in part for the article, and for the further reason that a valuable constituent of the said article, to wit, butter fat, had been wholly or in part abstracted.

Misbranding was alleged in substance for the reason that the tubs containing the article bore the statement, to wit, "Butter Made from Sweet Cream," regarding the article and the ingredients and substances contained therein, which was false and misleading in that the said tubs did not contain butter made from sweet cream. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 3, 1922, Clinton G. Heyd, Philadelphia, Pa., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10860. Misbranding of tuna fish. U. S. v. White Star Canning Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 12808. I. S. Nos. 12456-r, 17335-r, 17336-r, 17337-r.)

On June 13, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the White Star Canning Co., a corporation, San Pedro, Calif., alleging shipment by said company, on or about September 15, 1919, from the State of California into the State of Ohio, and on or about September 8, 1919, from the State of California into the District of Columbia, of quantities of tuna fish, which in each instance was misbranded. The Ohio shipment was labeled in part: "Radio Brand Blue Fin Tuna * * * Net Weight 13 oz." The District of Columbia shipments were labeled in part: "White Star Brand Chicken of the Sea Tuna Fish Net Contents 13 Ounces;" "Silver Foam Brand Calif. Tuna Net Contents 13 Oz.;" and "Radio Brand Blue Fin Tuna * * * Net Weight 13 Oz."

Examination of the article by the Bureau of Chemistry of this department showed an average net weight of 11.82 ounces on 9 cans from the shipment to Ohio; an average net weight of 12.35 ounces on 96 cans of the White Star brand shipped into the District of Columbia; an average net weight of 12.45 ounces on 96 cans of the Silver Foam brand shipped into the District of Columbia; and an average net weight of 12.29 ounces on 448 cans of the Radio brand shipped into the District of Columbia.

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, "Net Weight 13 Oz." or "Net Contents 13 Ounces," or "Net Contents 13 Oz.," borne on the labels attached to the cans containing the article regarding it, was false and misleading in that it represented that the contents of each can weighed 13 ounces net, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the contents of each can weighed 13 ounces net, whereas, in fact and in truth, the contents of each can did not weigh 13 ounces net, but did weigh a less amount, and for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 26, 1922, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10861. Misbranding of cottonseed meal. U. S. v. Robert Lee Batte (Thorndale Oil Mill). Plea of guilty. Fine, \$50. (F. & D. No. 13912. I. S. No. 18803-r.)

On July 8, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert Lee Batte, trading as Thorndale Oil Mill, Thorndale, Texas, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about December 15, 1919, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The sacks containing the article bore no statements as to the net weight of the contents thereof.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 21, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10862. Adulteration of catsup. U. S. v. 25 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14001. I. S. No. 3201-t. S. No. C-2602.)

On December 7, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 2 dozen bottles of catsup, at Walnut Ridge, Ark., alleging that the article had been shipped on or about October 22, 1920, by the J. T. Polk Co., Mound City, Ill., and transported from the State of Illinois into the State of Arkansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Polk's Best Catsup, J. T. Polk Company, Chicago."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of filthy, putrid, and decomposed vegetable substance.

On May 3, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10863. Misbranding of Pratts cow remedy. U. S. v. 15 Packages of Pratts Cow Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14414. I. S. No. 1725-t. S. No. C-2766.)

On February 27, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 packages, more or less, of Pratts cow remedy, remaining in the original unbroken packages at Port Arthur, Texas, alleging that the article had been shipped on or about November 15, 1919, by the Pratt Food Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of salt, soda, Epsom salt, iron oxid, fenugreek, ginger, nux vomica, and gentian.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, appearing on the packages regarding the curative and therapeutic effects of said cow remedy, to wit, "Pratts Cow Remedy is a tested remedy and preventive for Contagious Abortion, Barrenness (Failure to Breed), Garget, Milk Fever * * * For Barrenness * * * For Milk Fever and Garget * * * prevents retained afterbirth * * * For Calves: For preventing or treating scours * * * Pratts Cow Remedy will assist in rendering the bull's service more sure, particularly where contagious abortion has appeared in the herd * * * For Accidental or Contagious Abortion. * * * To Prevent: In herds where cows have previously aborted, or in neighborhoods where disease exists, * * * Contagious Abortion * * * Retained Afterbirth * * * Pratts Cow Remedy Is A Medicinal Specific for diseases of cows * * * preventive and remedy for cow

troubles * * *," were misleading, false, and fraudulent, that is to say, the said drug contained no ingredient or combinations thereof capable of producing the effects so claimed.

On December 13, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10864. Misbranding of Gold Medal Brand sexual pills. U. S. v. 8 Packages of Gold Medal Brand Sexual Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14468. S. No. C-2806.)

On February 28, 1921, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 packages of Gold Medal Brand sexual pills, remaining in the original unbroken packages at Hazlehurst, Miss., alleging that the article had been shipped by S. Pfeiffer Mfg. Co., St. Louis Mo., on or about October 27, 1920, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box and carton) "Gold Medal Brand Sexual Pills."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained phosphorus and extracts of damiana and nux vomica and were coated with calcium carbonate and sugar.

Misbranding of the article was alleged in substance in the libel for the reason that the statements regarding the curative and therapeutic effect of the said article, appearing on the labels of the boxes and cartons containing the same, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On May 3, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10865. Adulteration of shell eggs. U. S. v. Martin N. Carson. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 14528. I. S. No. 2308-t.)

On May 6, 1921, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Martin N. Carson, trading and doing business under the name and style of M. N. Carson, Conehatta, Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 17, 1920, from the State of Mississippi into the State of Louisiana, of a quantity of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of a sample of the article consisting of 360 eggs showed the presence of 42 inedible eggs, or 11.7 per cent, consisting of 17 black rots, 16 mixed or white rots, and 9 spot rots.

On November 8, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10866. Adulteration and misbranding of egg powder. U. S. v. 2 Barrels of Alleged Egg Powder. Consent decree of condemnation and forfeiture. Product ordered released on bond or sold. (F. & D. No. 15043. I. S. No. 10667-t. S. No. W-976.)

On June 15, 1921, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of egg powder, remaining unsold in the original unbroken packages at Spokane, Wash., alleging that the article had been shipped on or about January 25, 1921, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Desc. Egg * * * Joe Lowe Co. 239 S. L. A. St. Los Angeles Calif. Contents 200 Lbs. Whole Egg. Directions for the use of Egg Powder (Whole) Joe Lowe * * *."

Adulteration of the article was alleged in substance in the libel for the reason that commercial egg yolk product had been mixed and packed with and substi-

tuted wholly or in part for whole egg, which adulteration reduced and impaired the quality of the product as an article of food.

Misbranding was alleged in substance for the reason that the statements contained on the labels, "Desc. Egg * * * Joe Lowe Co. 239 S. L. A. St. Los Angeles Calif. Contents 200 Lbs. Whole Egg. Directions for the use of Egg Powder (Whole) Joe Lowe * * *," were false and misleading and were calculated to and did deceive and mislead the purchaser, and that the same was labeled so as to offer the contents of said barrels for sale under the name of another article, and for the further reason that the product was an imitation of and substituted for and offered for sale under the distinctive name of another article of food.

On September 17, 1921, the Joe Lowe Co., Los Angeles, Calif., having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, with the proviso, however, that the product be delivered and restored to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10867. Misbranding of Prof. Dupree's French specific pills. U. S. v. 5 Gross Packages of Prof. Dupree's French Specific Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15048. I. S. No. 10716-t. S. No. W-986.)

On June 21, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 gross packages of drugs labeled in part, "Prof. Dupree's French Specific Pills," remaining in the original unbroken packages at Los Angeles, Calif., consigned by the United Drug Exchange, New York, N. Y., alleging that the article had been shipped on or about February 29, 1921, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes, iron sulphate, a trace of tansy oil, and plant drugs, coated with a mixture of sugar, starch, calcium carbonate, and talc, colored, some blue, others pink.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part in the circulars accompanying it as follows, "* * * For use in the suppression of irregularities of the menses * * * efficient in their results * * * take one pill every two hours, alternating first the blue and then the pink, until the desired effect is produced * * * In cases where the period is irregular * * * commence the use of these pills, three or four days before the expected time by taking one pill every four hours until the time arrives. * * * girls approaching the age puberty, who have not overcome the functional derangements induced by that * * * change * * * can be given these pills with great benefit * * * Reliable," whereas the said drug contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it, and the statements on the labels and packages and in the circulars were false and fraudulent.

On April 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of in accordance with the provisions of the Food and Drugs Act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10868. Adulteration and misbranding of table oil. U. S. v. 79 Cans of Table Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15153. I. S. No. 8363-t. S. No. E-3565.)

On September 2, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 79 cans of table oil, at Washington, D. C., alleging that the article had been sold in the District of Columbia by Ferdinando Sari, Washington, D. C., and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that substances, to wit, oils other than olive oil, including approximately 50 per cent of cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for finest quality table oil, to wit, olive oil, which the article purported to be. Adulteration was alleged for the further reason that the said substances, to wit, corn oil and approximately 50 per cent of cottonseed oil, had been mixed with the said article in a manner whereby its damage and inferiority to finest quality table oil, to wit, olive oil, was concealed.

Misbranding was alleged in substance for the reason that the statements in large prominent type, to wit, "Finest Quality Table Oil Tipo Termini Imerese 1 Gallon Net," together with a pictorial representation of an olive orchard scene, appearing on the cans containing the article, and the statement, to wit, "Cottonseed Oil Slightly Flavored With Olive Oil," in small, inconspicuous, and practically unnoticeable type on said cans, were false and misleading in that the said statements and design represented that the article was finest quality table oil, to wit, olive oil, that it was a product made in Italy, and that each of said cans contained 1 gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was finest quality table oil, to wit, olive oil made in a foreign country, and that each of said cans contained 1 gallon net of the said article, whereas, in truth and in fact, the said article was not finest quality table oil, to wit, olive oil, and was not a foreign product made in a foreign country, but was a compound composed practically wholly of cottonseed oil and corn oil, made in the United States of America, and each of said cans did not contain 1 gallon net of the article but did contain less than 1 gallon. Misbranding was alleged for the further reason that the article was a product composed practically wholly of an undeclared compound consisting of cottonseed oil and corn oil, prepared in imitation of another article, to wit, olive oil, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "1 Gallon Net," was not correct and represented more than the actual contents of the said package.

On May 26, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10869. Misbranding of Dr. Lovett's pills. U. S. v. 3 Gross Bottles of Dr. Lovett's Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16259. I. S. No. 13965-t. S. No. W-1075.)

On May 2, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 gross bottles of Dr. Lovett's pills, remaining in the original unbroken packages at Los Angeles, Calif., invoiced by Dr. Lovett Medicine Co., New York, N. Y., alleging that the article had been shipped on or about November 16, 1921, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained iron, sodium, and potassium carbonates and sulphates, with traces of plant extractives, coated with sugar, starch, and calcium carbonate, and colored pink.

Misbranding of the article was alleged in the libel for the reason that the bottles or packages containing the same were each labeled in part on the labels and packages and in circulars, as follows. " * * * This * * * purifier of the blood is * * * the only infallible specific to cure radically and permanently general debility, * * * headache, rheumatism, sexual debility, sterility, malarial fevers, diseases of the liver, syphilis, scrofula, pimples, catarrhs, carbuncles, itch, herpes, tumors, ulcers and other disorders originating * * * by reason of deleterious impurities of the blood * * *," (red wrapper) " * * * for curing permanently and radically * * * sexual debility, syphilis, rheumatism, malarial fever, skin diseases and all other diseases of the blood," (bottle) " * * * the only infallible specific for curing diseases of the blood * * * purifies the blood * * * removing * * * the causes of nervous prostration * * * clouding of the mind, insomnia, nervous pains of

the head, loss of memory, general debility * * * lend themselves in a most admirable manner to the curing of diseases of the liver, the skin, pimples, herpes, malarial fever, rheumatism, rickets, etc. etc. all tumors, ulcers, syphilis, scrofula, * * * wasting * * * pimples, * * * carbuncles and virulent tumors * * * catarrh * * * sexual debility * * * boils and small tumors * * * eczema * * * cutaneous diseases * * * diseases peculiar to women * * * epilepsy * * * erysipelas * * * scrofula * * * spermatorrhoea * * *," whereas the said drug contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it, and the statements on the labels and packages and in the circulars were false and fraudulent.

On June 13, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of in accordance with the provisions of the Food and Drugs Act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10870. Adulteration and misbranding of pie fillings. U. S. v. Burton D. Smith and John B. Hecox (Consumers Supply Co.). Plea of guilty. Fine, \$75. (F. & D. No. 14924. I. S. Nos. 648-t, 649-t, 650-t.)

On August 10, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Burton D. Smith and John B. Hecox, copartners, trading as Consumers Supply Co., Portland, Mich., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 26, 1920, from the State of Michigan into the State of Wisconsin, of quantities of orange filling, ox-heart cherry filling, and pineapple filling, respectively, which were adulterated and misbranded. The articles were labeled in part: "Consumers Orange Filling" (or "Ox-Heart Cherry Filling" or "Pineapple Filling") "For Pies, Cakes, Puddings and Desserts * * * Manufactured, Sold and Guaranteed by Consumers Supply Company Portland, Michigan, U. S. A. * * *"

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they were colored powders, containing cornstarch, sugar, salt, citric acid, flavor, and coal-tar color.

Adulteration of the articles was alleged in the information for the reason that mixtures composed in large part of cornstarch and which contained no egg or orange juice, cherry juice, or pineapple juice, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength, and had been substituted in part for orange filling, cherry filling, or pineapple filling, as the case might be, which the said articles purported to be. Adulteration was alleged for the further reason that the articles were inferior to orange filling, cherry filling, and pineapple filling, to wit, mixtures composed in large part of cornstarch and which contained no egg, or orange juice, cherry juice, or pineapple juice, as the case might be, prepared in imitation of orange filling, cherry filling, and pineapple filling, respectively, and were colored with certain coal-tar dyes, to wit, Orange I, Amaranth, and Tartrazine, respectively, so as to simulate the appearance of orange filling, cherry filling, and pineapple filling, as the case might be, and in a manner whereby their inferiority to said pie fillings was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Orange Filling" (or "Cherry Filling" or "Pineapple Filling") "For Pies, Cakes, Puddings and Desserts," "Contains all the necessary ingredients," "Saves the cost of eggs that would ordinarily be used," and "Guaranteed to conform to National * * * Food Laws," borne on the labels attached to the cans containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that said articles were orange filling, cherry filling, or pineapple filling, as the case might be, which contained all the necessary ingredients, including eggs, for making pies, cakes, puddings, and desserts, and that they conformed to the requirements of the Food and Drugs Act of June 30, 1906, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were orange filling, cherry filling, or pineapple filling, as the case might be, which contained all the necessary ingredients, including egg, for making pies, cakes, puddings, and desserts, and that they conformed to the requirements of the Food and Drugs Act of June 30, 1906, whereas, in truth and in fact, they were

not orange filling, cherry filling, or pineapple filling, as the case might be, but were mixtures, artificially colored, largely composed of cornstarch, and which contained no egg or any orange juice, cherry juice, or pineapple juice, and which had no value as orange filling, cherry filling, or pineapple filling, as the case might be, for making pies, cakes, puddings, and desserts, and said articles did not conform to the Food and Drugs Act of June 30, 1906.

On December 2, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10871. Adulteration and misbranding of lemon pie filling. U. S. v. Wolverine Spice Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14925. I. S. Nos. 3455-t, 10274-t, 11527-t.)

On October 18, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wolverine Spice Co., a corporation, Grand Rapids, Mich., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about October 18, 1919, and May 24 and 29, 1920, from the State of Michigan into the States of Colorado, Indiana, and Minnesota, respectively, of quantities of lemon pie filling which was adulterated and misbranded. The article was labeled in part: (Packages) "The Quality Way Py-E-Ta * * * A Mixture for Making Lemon Pie and Other Desserts Net Weight 8 Ounces * * * Wolverine Spice Co. Grand Rapids, Michigan."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of cornstarch, citric acid, and corn sugar, flavored with lemon oil. A portion of the packages contained less than the quantity declared on the labels.

Adulteration of the article was alleged in the information for the reason that a mixture composed in large part of cornstarch, citric acid, and corn sugar, flavored with lemon oil, and which contained no eggs, had been substituted in whole or in part for a mixture for making lemon pie, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "A Mixture for Making Lemon Pie," "Guaranteed to make better pies than can be made from fresh lemons and contains in concentrated form the same ingredients as used by the housewife," borne on the packages containing the article, regarding the said article and the ingredients and substances contained therein, and the statement, to wit, "Net Weight 8 Ounces," borne on a portion of the said packages, were false and misleading in that the said statements represented that the article was a mixture for making lemon pie, that it was a substitute for fresh lemons in making lemon pies, and that it contained the same ingredients as used by the housewife in making lemon pies, and that a portion of the said packages contained 8 ounces net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a mixture for making lemon pie, that it was a substitute for fresh lemons in making lemon pies, and that it contained the same ingredients as used by the housewife in making lemon pies, and that a portion of the said packages contained 8 ounces net of the said articles, whereas, in truth and in fact, it was not a mixture for making lemon pies, was not a substitute for fresh lemons in making lemon pies, and did not contain the same ingredients as used by the housewife in making lemon pies, but was a mixture composed in large part of cornstarch, citric acid, and corn sugar, flavored with lemon oil and which contained no eggs and which had no value as a mixture for making lemon pies, and a portion of the said packages did not contain 8 ounces net weight of the article, but did contain a less amount.

On December 22, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10872. Misbranding of Savanol. U. S. v. 7 Dozen Bottles of Savanol. Default decree of condemnation and forfeiture. Product disposed of according to law. (F. & D. No. 15217. S. No. W-990.)

On July 19, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 dozen bottles of Savanol, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by G. P.

Steyh, St. Louis, Mo., on or about May 9, 1921, and transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of capsules containing a saponifiable oil, with traces of savin oil, apiol, and aloin.

Misbranding of the article was alleged in substance in the libel for the reason that the leaflet accompanying the package containing the article bore the following statement, " * * * Take one Savanol * * * three or four days before the expected appearance of menstrual flow * * *," which statement was false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 11, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of according to law.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10873. Adulteration and misbranding of oil. U. S. v. 41 Gallon Cans of Olivolo Brand Oil, et al. Default decrees of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. Nos. 15234, 15285, 15315. I. S. Nos. 7014-t, 7015-t, 7016-t, 7023-t, 7024-t, 7025-t. S. Nos. E-3466, E-3492, E-3542.)

On July 27, July 29, and August 16, 1921, respectively, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 87 gallon cans, 4 half-gallon cans, and 16 quart cans of oil, remaining unsold in the original unbroken packages at Brooklyn, N. Y., consigned on or about June 18, 1921, alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "One Gallon" (or "One Half Gallon" or "One Quart") "Olivolo Brand Olio Per Insalata Come L'Olio D'Oliiva * * * Littauer Oil Co., Guttenberg, N. J." The remainder of the article was labeled in part: "Olio Puro Brand Olio Per Insalata Come L'Olio D'Oliiva."

Adulteration of the article was alleged in the libels for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that the said article had been mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels on the cans containing a portion of the article bore the following statements, "Olivolo Brand * * * Olio per Insalata Come L'Olio D'Oliiva * * * A Pure Salad Oil Blended with Olive Oil * * * Il Olivolo 'Olio' Viene Estratto da Vegetali Di Prima Qualita Con Metodi Perfezzionati: E'Iginici E'Perfettamente Nutrivo E'Salutifero Per Eccellenza * * * La Marca * * * Olivolo * * * 'Olio' One Gallon" (or "One Half Gallon" or "One Quart"), together with a design showing a draped flag, and the cans containing the remainder of the article bore the following statements, "Olio Puro Brand Olio Per Insalata Come L'Olio D'Oliiva * * * A Compound of Vegetable Oils Blended with Pure Olive Oil One Gallon," which statements, designs and devices, regarding the article and the ingredients and substances contained therein, together with the use of the Italian language, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article for the further reason that it purported to be a foreign product when not so. Misbranding was alleged with respect to a portion of the article for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 13, 1921, no claimant having appeared for the property, judgments of the court were entered condemning and forfeiting the product to the use of the United States. The product was delivered in part to the Salvation Army and in part to the Brooklyn Home for Children.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10874. Adulteration of pepper relish, Thousand Island dressing, sweet piccalilli, and sweet mixed pickles. U. S. v. 10 Cases of Pepper Relish, 25 Cases of Thousand Island Dressing, 10 Cases of Sweet Piccalilli, and 10 Cases of Sweet Mixed Pickles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15353. I. S. Nos. 1097-t, 1098-t, 1100-t, 4876-t. S. No. C-3195.)

On September 6, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of pepper relish, 25 cases of Thousand Island dressing, 10 cases of sweet piccalilli, and 10 cases of sweet mixed pickles, remaining unsold in the original unbroken packages at Grand Rapids, Mich., alleging that the articles had been shipped by the Chicago Food Products Co., Chicago, Ill., on or about June 25, 1921, and transported from the State of Illinois into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Square Seal S. S. Brand * * * Pepper Relish Square Seal Food Products Co., Chicago;" "Square Seal S. S. Brand * * * Thousand Island Dressing * * *;" "Square Seal S. S. Brand * * * Sweet Piccalilli * * *;" "Square Seal S. S. Brand * * * Sweet Mixed Pickles * * *."

Adulteration of the articles was alleged in substance in the libel for the reason that a substance, namely, saccharin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength and had been substituted wholly or in part for the said articles, for the further reason that they were mixed with saccharin in a manner whereby damage and inferiority were concealed, and for the further reason that they contained a certain added, deleterious, and poisonous substance, namely, saccharin, which might have rendered such articles injurious to health.

On December 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10875. Misbranding of mineral water. U. S. v. Excelsior Springs Mineral Water & Bottling Co., a Corporation. Confession of judgment. Fine, \$10 and costs. (F. & D. No. 15993. I. S. No. 3962-t.)

On April 12, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Excelsior Springs Mineral Water & Bottling Co., a corporation, Excelsior Springs, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 25, 1921, from the State of Missouri into the State of Kansas, of a quantity of mineral water which was misbranded. The article was labeled in part: "Sulpho-Saline Still Natural Mineral Water * * * Excelsior Springs Mineral Water & Bottling Co. Excelsior Springs Missouri."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 9.24 grams per liter of dissolved mineral matter.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the labels of the bottles containing the same, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for stomach troubles, headache, jaundice, and vertigo, when, in truth and in fact, it was not.

On June 7, 1922, a confession of judgment was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10876. Misbranding of olive oil. U. S. v. 18 Cans, et al, of Olive Oil. Default decrees ordering sale of the product. (F. & D. Nos. 15951, 15953. I. S. Nos. 873-t, 874-t, 18608-t. S. No. C-3407.)

On January 31 and February 8, 1922, respectively, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 18 half-gallon cans, 18 quart cans, and 48 pint cans of olive oil, remaining in the original unbroken packages, in part at Indiana Harbor and in part at Gary, Ind., alleging that the article had been

shipped by the Greek Products Importing Co., Chicago, Ill., between the dates of November 25 and December 30, 1921, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Victory Brand * * * Contents $\frac{1}{2}$ Gallon * * * " (or "Contents 1 Quart" or "Contents 1 Pint").

Misbranding of the article was alleged in substance in the libels for the reason that the labels on the respective-sized cans containing the article, to wit, "Contents $\frac{1}{2}$ Gallon," "Contents 1 Quart," and "Contents 1 Pint," were false and misleading, and deceived and misled the purchaser.

On June 14, 1922, no claimant having appeared for the property, judgments of the court were entered ordering that the product be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10877. Misbranding of flour. U. S. v. The Kansas Flour Mills Co., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 16004. I. S. No. 5060-t.)

On April 3, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kansas Flour Mills Co., a corporation, trading at Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about February 8, 1921, from the State of Missouri into the State of Massachusetts, of a quantity of flour which was misbranded. The article was labeled in part: "'The Final Argument' 24 $\frac{1}{2}$ Lbs. The Kansas Flour Mills Company. * * * Made-Rite Flour Kansas City, U. S. A. * * *."

Examination, by the Bureau of Chemistry of this department, of 130 sacks of the article showed that the average net weight of the sacks examined was 23.7 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "24 $\frac{1}{2}$ Lbs.," borne on the sacks containing the article, regarding the said article, was false and misleading in that the said statement represented that each of said sacks contained 24 $\frac{1}{2}$ pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive the purchaser into the belief that each of the said sacks contained 24 $\frac{1}{2}$ pounds of the said article, whereas, in truth and in fact, each of said sacks did not contain 24 $\frac{1}{2}$ pounds of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 27, 1922, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10878. Misbranding of vegetable salad oil and olive oil. U. S. v. Reliable Importing Co., Inc., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 16236. I. S. Nos. 15481-t, 15482-t, 15483-t.)

On June 27, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Reliable Importing Co., Inc., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Connecticut, on or about August 2 and 6, 1921, respectively, of quantities of olive oil, and on or about September 5, 1921, of a quantity of vegetable salad oil, all of which were misbranded. The articles were labeled in part, respectively: "Olio D'Oliiva Puro Importato Imported Pure Olive Oil Lucca Vapore-Marina Italia Brand Net Contents 1 Gal." (or "1 Quart"); "Contadina Brand Superior Quality Oil Vegetable Salad Oil * * * Net Contents 1 Gal. * * *."

Examination of the articles by the Bureau of Chemistry of this department showed that 12 cans of the so-called gallon size of olive oil had an average volume of 0.964 gallon, that 12 cans of the so-called quart size of olive oil had an average volume of 0.984 quart, and that 8 cans of the vegetable salad oil had an average volume of 0.965 gallon.

Misbranding of the articles was alleged in the information for the reason that the respective statements, to wit, "Net Contents 1 Gal." and "Net Contents

1 Quart," borne on the cans containing the articles, regarding the said articles, were false and misleading in that they represented that each of the said cans contained 1 gallon net, or 1 quart net, as the case might be, of the said articles, whereas, in truth and in fact, each of the said cans did not contain 1 gallon net or 1 quart net, as the case might be, but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 17, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10879. Adulteration and misbranding of alimentary paste. U. S. v. 314 Cases of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16359. I. S. Nos. 17040-t, 17041-t, 17042-t, 17043-t. S. No. E-3887.)

On June 2, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 314 cases of alimentary paste, remaining in the original unbroken packages at Baltimore, Md., consigned on or about May 20, 1922, alleging that the article had been shipped by M. M. Talkin, Norfolk, Va., and transported from the State of Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Carton) "Smith's Perfection Macaroni * * * Net Weight 16 Ozs. * * * Guaranteed * * * to conform with The U. S. Food and Drugs Act June 30, 1906. * * * Serial No. 14020 * * *." Another portion was labeled in part: (Shipping case) "25 Lbs. Bulk Net Weight Creamettes Elbow Macaroni * * *." The remainder of the article was unlabeled.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, "Guaranteed * * * to conform with The U. S. Food and Drugs Act. June 30, 1906 * * * Serial No. 14020 * * *," was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to all of the said product for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, in that it was not correctly stated on some of the packages and not stated at all on others. Misbranding was alleged with respect to all the said product for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On July 17, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10880. Misbranding of Rawleigh's all-medicine hog mixture. U. S. v. 24½ Dozen Cans, et al, of Rawleigh's All-Medicine Hog Mixture. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12971. I. S. No. 3262-r. S. No. W-620.)

On June 24, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24½ dozen cans, 6 pounds each, 94 pails, 25 pounds each, 34 pails, 40 pounds each, and 4 drums, 100 pounds each, of Rawleigh's all-medicine hog mixture, remaining in the original unbroken packages at Oakland, Calif., consigned by W. T. Rawleigh Co., Freeport, Ill., alleging that the article had been shipped from Freeport, Ill., between the dates of October 23, 1918, and April 14, 1920, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of sodium thiosulphate, sodium phosphate, sodium bicarbonate, sodium sulphate, sodium chlorid,

iron sulphate, potassium nitrate, calcium carbonate, sulphur, charcoal, buckthorn, and ginger.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, appearing on the labels of the cans, pails, and drums containing the same, and in the accompanying booklet, (cans) "To Prevent Disease. * * * If a contagious disease is in the neighborhood feed regularly as long as the contagion lasts * * * Even hogs so sick with Cholera that they refused to eat anything else have had their appetites restored by it, and have improved steadily until perfectly well * * * Hog Cholera and Swine Plague * * * it is recommended as especially useful to help overcome and prevent these diseases, and has been found helpful in restoring hogs to health in many cases where they gave practically every symptom of being afflicted with one or the other of these diseases * * * Use Enough To Do Some Good * * * The Mixture should be given regularly at least several weeks to obtain appreciable benefit * * * Give it a trial, a thorough test, and you will be unusually well pleased with the results * * * ." (pails and drums) "Rawleigh's All-Medicine Hog Mixture * * * directions inside in ten different languages," (booklet, directions in English and foreign languages) "To Prevent Disease * * * If a contagious disease is in the neighborhood feed regularly as long as the contagion lasts * * * Even hogs so sick with cholera that they refused to eat anything else have had their appetites restored by it, and have improved steadily until perfectly well," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 25, 1922, C. M. Cooper, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, in conformity with section 10 of the act, conditioned in part that the product be made to conform to the provisions of the said act, under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10881. Adulteration and misbranding of olive oil. U. S. v. 18 Quarts and 11 Half-Gallons, et al, of Olive Oil. Default decrees of condemnation, forfeiture, and destruction or sale. (F. & D. Nos. 13964 to 13969, incl. I. S. Nos. 6506-t to 6513-t, incl. S. Nos. E-2891 to E-2895, incl., E-2897.)

On November 29, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on January 13, 1921, amendments to said libels, praying the seizure and condemnation of 67 quarts, 29 half-gallons, and 31 gallons of olive oil, remaining unsold in the original unbroken packages, in part at Danbury, New Britain, Waterbury, Norwalk, Ansonia, and Derby, Conn., respectively, alleging that the article had been shipped by Poletti, Coda & Rebecchi, New York, N. Y., between the dates of September 11 and October 7, 1920, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels as amended for the reason that cottonseed and soya-bean oils had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the product purporting to be olive oil.

Misbranding was alleged in substance for the reason that the labels on the cans containing the article bore certain statements, designs, and devices regarding the article and the ingredients and substances contained therein, to wit, "Olio La Viva Italia Brand (Design) Superior in quality, economy and flavor to Olive Oil Fine Edible Salad Oil Blended with Pure Olive Oil—A Compound Packed in New York. Net Contents 1 Quart * * * " (or "½ Gallon") (or "1 Gallon"), which were so arranged as to type and location as to be false and misleading and to deceive and mislead the purchaser, in that they were and were intended to be of such a character as to induce the purchaser to believe that the said article was olive oil, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive

name of another article, to wit, olive oil, and for the further reason that it was food in package form, and the quantity of the contents not plainly and conspicuously marked on the outside of the packages since the statements made thereon were not correct.

On October 10, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10882. Misbranding of 999 nerve tonic. U. S. v. 10 Boxes of 999 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14890. I. S. No. 8059-t. S. No. E-3350.)

On May 3, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 boxes of 999 nerve tonic, remaining in the original unbroken packages at Trenton, N. J., alleging that the article had been shipped by the Combination Remedy Co., Pittsburgh, Pa., on or about April 10, 1921, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of capsules containing phosphorus and extracts of nux vomica and damiana.

Misbranding of the article was alleged in substance in the libel for the reason that the statements on the label of the box containing the said article, to wit, " * * * Nerve Tonic * * * the best possible remedy for nervous disorder and lost vitality, no matter from what cause," were false and fraudulent in that the said statements were applied to the said article so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it possessed the curative and therapeutic qualities claimed, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10883. Adulteration and misbranding of tuna fish. U. S. v. Henry L. Stafford, Herbert S. Stafford, and Albert Wedum (The Stafford Packing Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 14940. I. S. Nos. 1-r, 13994-r.)

On September 20, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry L. Stafford, Herbert S. Stafford, and Albert Wedum, trading as the Stafford Packing Co., Wilmington, Calif., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 28, 1919, from the State of California into the State of New York, of a quantity of canned tuna fish which was adulterated and misbranded. The article was labeled in part: (Cans) "De Luxe Brand Striped California Tuna * * * Packed by Stafford Packing Co. Wilmington, Cal."

Examination of the consignment by the Bureau of Chemistry of this department showed that a large number of the cans contained Bonita.

Adulteration of the article was alleged in the information for the reason that Bonita fish had been mixed and packed therewith, so as to lower and reduce and injuriously affect its quality and had been substituted in part for California striped tuna fish which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "California Striped Tuna," borne on the label attached to the cans containing the article, regarding the said article, was false and misleading in that the said statement represented that the article consisted wholly of California striped tuna fish, and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it consisted wholly

of California striped tuna fish, whereas, in truth and in fact, it did not so consist, but did consist in part of Bonita fish. Misbranding was alleged for the further reason that the article was a product composed in part of Bonita fish, and was offered for sale and sold under the distinctive name of another article, to wit, California striped tuna.

On June 12, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10884. Misbranding of Giepsi Vemela. U. S. v. 10 Small Bottles and 11 Large Bottles of Giepsi Vemela. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14946. I. S. Nos. 10796-t, 10797-t. S. No. C-3002.)

On June 16, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 small bottles and 11 large bottles of Giepsi Vemela, remaining in the original packages at El Paso, Texas, alleging that the article had been shipped by the Giepsi Vemela Co., Douglas, Ariz., on or about November 20, 1920 (in part, May 20, 1920), and transported from the State of Arizona into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of plant extractives, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appeared on the cartons and bottles containing the article and in the accompanying circular, (cartons, English and Spanish) " * * * for the tuberculosis, colds, coughs, anemia and general debility," (bottles, English and Spanish) " * * * It is recommended for tuberculosis, colds, coughs, anemia and general debility * * * In serious cases," (circular, English) "Giepsi Vemela * * * excellent results * * * obtained in the treatment of all impurities of the blood * * * and for the results that have been obtained in the treatment of tuberculosis. * * * For the impurities of the blood, such as pimples, tumors, fistula, swelling of the feet, ankles and legs, and irritation of the blood. * * * For coughs, colds, bronchitis, whooping cough, sore throat * * * If * * * you want your body to be strong to stand the effects of cold weather, we recommend you to take one or two bottles and you will be surprised to see how well it will build you up. For disorders and sickness of the stomach * * * For anemia, tuberculosis and general debility * * * tuberculosis of the stomach and Bowels * * * my stomach was so badly infected that I could not eat * * * Since I have been taking this Giepsi Vemela I can eat any kind of food, and can do a man's work, before taking it I could not. * * * Giepsi Vemela has cured me * * * This medicine is not only a good medicine for Tuberculosis but for coughs and colds, and weak stomach, and lungs," (circular, Spanish) "The Specific 'Giepsi Vemela' Is today recognized among the most highly estimated remedies by the excellent results it has demonstrated in the treatment of diseases of the blood * * * ; also for the results which have been demonstrated in the treatment of Phthisis, even in the third period. * * * impurities of the blood which are manifested in the following forms: Pimples, Tumors, Ulcers in the Throat or Nose, swellings which Appear without Cause, Irritations of the Skin and Lockjaw. This medicine is recommended especially for Anemia, Catarrh, Colds, Bronchitis, Coughs and Whooping Cough, Sore Throat and Hoarseness, for Diseases of the Stomach such as Colic, Sick Stomach, General Debility, Diarrhea and Cramps * * * Tuberculosis, Bronchitis, Catarrhal Colds, Coughs and Whooping Cough, Sore Throat and Hoarseness, Tumors, Fistulas, Swellings, Lockjaw, Blackheads * * * For disease of the stomach, such as sick stomach, colic, general debility, diarrhea and cramps * * * In serious cases * * * I suffered with a cough for ten years * * * A bottle of 'Giepsi Vemela' * * * completely restored my health. * * * as a result of pneumonia I had suffered a serious complication of the stomach called tuberculosis of the large intestine. My brother came to visit me, bringing a bottle of Giepsi Vemela. * * * Having taken the first bottle I felt much better. I took three more and * * * am today completely restored, therefore I recommend it as a marvel * * * For more than a year I suffered with a violent cough * * * Finally 'Giepsi Vemela' was recom-

mended of which I took only two bottles. Today I am entirely well," which said statements regarding the curative and therapeutic effect of the said article were false and fraudulent for the reason that it contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the statement appearing in the said circular, written in Spanish, to wit, "The Specific 'Giepsi Vemela' before offered to the public was made to conform to the requirements of the law of the United States of America, which will serve to increase the faith and confidence of those patients who may use this medicine," was false and misleading.

On October 4, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10885. Adulteration and misbranding of olive oil. U. S. v. 14 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 15031. I. S. No. 6609-t. S. No. E-3371.)

On June 8, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 cans of olive oil, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by the Pan-Italian Commission [Commercial] Co., New York, N. Y., on or about April 1, 1921, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Montone Brand * * * Pure Italian Olive Oil Extra Virgin * * *."

Adulteration of the article was alleged in substance in the libel for the reason that peanut oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that it had been mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the labels of the cans containing the article bore the following statements, designs, words, and devices, "Olio Di Oliva Di Qualita Extra superiore Garentito Sotto Analisi Chimica Net Contents One Gallon * * * Pure Italian Olive Oil Extra Virgin" and a design showing olive pickers, which said statements, designs, devices, and words were intended to be of such a character as to induce the purchaser to believe that the said product was olive oil, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, olive oil.

On September 16, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10886. Misbranding of olive oil and salad oil. U. S. v. 37 Cans and 6 Cans of Olive Oil and 40 Cans of Salad Oil. Default decrees of condemnation, forfeiture, and sale or destruction. (F. & D. Nos. 15100, 15101, 15102. I. S. Nos. 7002-t, 7003-t, 6699-t. S. Nos. E-3400, E-3402.)

On June 29, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 37 quart cans and 6 gallon cans of olive oil and 40 gallon cans of salad oil, remaining unsold in the original unbroken packages at Greenwich, Stamford, and Waterbury, Conn., respectively, alleging that the articles had been shipped by the Southern Importing Co., New York, N. Y., on or about May 4, May 5, and May 14, 1921, respectively, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The olive oil was labeled in part: "Sico Brand Extra Fine Olive Oil * * * Packed by Southern Importing Co., N. Y. * * * 1 Quart Net" (or "1 Gallon Net"). The salad oil was labeled in part: "Il Famoso Olio per Insalata Medaglie Universali Cotton Salad Oil 1 Gallon Net."

Misbranding of the articles was alleged in substance in the libels for the reason that the cans containing the same each bore a certain statement, to wit, "One Quart Net" or "One Gallon Net," as the case might be, which said statement was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On September 16 and October 5, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10887. Adulteration and misbranding of cumin seed. U. S. v. 2 Barrels of Cumin Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15416. I. S. No. 905-t. S. No. C-3263.)

On October 6, 1921, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of cumin seed, returned by the original consignee, September 16, 1921, and remaining unsold in possession of the Heekin Co., Cincinnati, Ohio, alleging that the article had been shipped from Indianapolis, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that sand and grit had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, cumin seed.

On January 28, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10888. Misbranding of molasses. U. S. v. Alexander Molasses Co., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 15443. I. S. Nos. 10852-t, 10853-t.)

On January 14, 1921, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alexander Molasses Co., a corporation, trading at Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 4, 1920, from the State of Ohio into the State of California, of quantities of molasses which was misbranded. The article was labeled in part: "Dove Brand * * * Molasses No. 5 Can. Contains 4 Lbs. 10 Oz. Avd." (or "No. 10 Can Contains 9 Lbs. 3 Oz. Avd.") "Alexander Molasses Company General Offices, Chicago."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the average net weight of 100 of the small cans was 4 pounds 7.48 ounces, and that the average net weight of 70 of the large cans was 8 pounds 7.29 ounces.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Contains 9 Lbs. 3 Oz. Avd." and "Contains 4 Lbs. 10 Oz. Avd." borne on the labels attached to the respective-sized cans containing the article, regarding the said article, were false and misleading in that the said statements represented that each of the said cans contained not less than 9 pounds 3 ounces or 4 pounds 10 ounces, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 9 pounds 3 ounces or 4 pounds 10 ounces, as the case might be, of the said article, whereas, in truth and in fact, each of said cans did contain less of the said article than the amount stated on the said labels. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On June 30, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10889. Adulteration and misbranding of canned tomatoes. U. S. v. 750 Cans (Cases) of Tomatoes. Decree ordering release of the product. (F. & D. No. 16164. I. S. No. 18242-t. S. No. C-2916.)

On May 5, 1922, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 750 cans (cases) of tomatoes, consigned on or about February 1, 1922, remaining in the original cans at Terrell, Texas, alleging that the article had been shipped by R. G. Layman & Sons, Cloverdale, Va., and transported from the State of Virginia into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Springdale Brand Hand Packed Tomatoes * * * Packed by R. G. Layman & Sons Cloverdale, Va."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the statement "Tomatoes," appearing on the labels of the cans containing the article, was false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On July 25, 1922, R. G. Layman & Sons, Cloverdale, Va., claimant, having relabeled the product so that the statement "Whole Ripe Tomatoes Packed in Water" appeared, in addition to the labeling theretofore placed on the said cans, and the court having taken notice of an error in the libel and having determined that the said libel should have been brought against 750 cases of the article instead of 750 cans, it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10890. Misbranding of horse and mule feed and molasses feed. U. S. v. Milam-Morgan Co., Ltd., a Corporation. Pleas of guilty. Fines, \$40. (F. & D. Nos. 13161, 15062. I. S. Nos. 600-r, 11177-r, 11982-t, 13304-t.)

On November 27, 1920, and October 4, 1921, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Milam-Morgan Co., Ltd., a corporation, New Orleans, La., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 24 and June 1, 1920, and February 24, 1921, respectively, from the State of Louisiana into the State of Mississippi, and on or about October 24, 1919, from the State of Louisiana into the State of Georgia, of quantities of horse and mule feed and molasses feed which were misbranded. The articles were labeled in part, variously: "* * * Suwanee Horse and Mule Feed Manufactured by Milam-Morgan Co., Ltd. New Orleans, La. * * *;" "* * * Primo Molasses Feed Manufactured by Milam-Morgan Co., Ltd., New Orleans, La. * * *;" "Georgia * * * My-T-Good Horse and Mule Feed Manufactured by Milam-Morgan Co., Ltd. New Orleans, La. * * *;" and "* * * Bay Mule Molasses Feed Manufactured by Milam-Morgan Co., Ltd. New Orleans, La. * * *."

Analysis of a sample of the Suwanee brand, by the Bureau of Chemistry of this department, showed that it contained 6.78 per cent of protein. Examination of said article showed that it contained corn, oats, alfalfa, oat hulls, and oat starch, probably from oat feed, rice bran which appeared to contain an excessive amount of rice hulls, and peanut shells, with possibly a little peanut meal, and that it did not contain cottonseed meal or velvet bean meal. Analysis of a sample of the Primo brand, by said bureau, showed that it contained 1.53 per cent of fat and 7.16 per cent of protein. Examination of said article showed that it contained corn, oats, alfalfa, a trace of rice bran, and a considerable amount of rice hulls, and some grass tissues which were either a contamination or an adulteration of the alfalfa. Analysis of a sample of the My-T-Good brand, by said bureau, showed that it contained 7.09 per cent of protein. Analysis of a sample of the Bay Mule brand, by said bureau, showed that it contained 6.71 per cent of protein and 20.50 per cent of fiber. Examination of said article showed that it contained corn, oats, alfalfa, rice bran which appeared to contain an excess of rice hulls, a little kafir or milo, a small amount

of cottonseed hulls, and a considerable amount of peanut shells. No oat feed or cottonseed meal was found.

Misbranding of the articles was alleged in substance in the informations for the reason that the statements, to wit, "Guaranteed Analysis Protein 9.00 per cent" and "Made from Corn, Oats, Rice-Bran C. S. Meal or Velvet Bean Meal, Alfalfa Meal, Oat Feed (Oat Hulls, Oat Shorts, Oat Middlings), Molasses, Salt," with respect to the Suwanee brand, the statements, to wit, "Guaranteed Analysis. Fat 2.00 per cent Protein 9.00 per cent" and "Containing Corn, Oats, Alfalfa, Cane Molasses, Salt," with respect to the Primo brand, the statement, to wit, "Guaranteed Analysis. Protein 9.00 per cent," with respect to the My-T-Good brand, and the statements, to wit, "Guaranteed Analysis. Protein 9.00 per cent Fibre 15.00 per cent" and "Containing Corn, Oats, Alfalfa, Cottonseed Meal, Oat Feed (Oat Hulls, Oat Middlings, Oat Shorts), Rice Bran, Cane Molasses, Salt," with respect to the Bay Mule brand, borne on the tags attached to the sacks containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles each contained not less than 9 per cent of protein and that the Primo brand contained 2 per cent of fat and the Bay Mule brand contained not more than 15 per cent of fiber, and that the articles consisted wholly of the ingredients appearing in said statements, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they each contained 9 per cent of protein, that the Primo brand contained 2 per cent of fat, that the Bay Mule brand contained not more than 15 per cent of fiber, and that they consisted wholly of the ingredients appearing in the said statements, whereas, in truth and in fact, the Suwanee brand did contain less than 9 per cent of protein, to wit, 6.78 per cent, and was not composed only of corn, oats, rice bran, cottonseed meal, or velvet bean meal, alfalfa meal, oat feed, oat hulls, oat shorts, oat middlings, molasses, and salt, but did contain peanut shells and did not contain any cottonseed meal or velvet bean meal, the Primo brand did contain less than 2 per cent of fat and less than 9 per cent of protein, to wit, 1.53 per cent of fat, and 7.16 per cent of protein, and did not consist wholly of corn, oats, alfalfa, cane molasses, and salt, but did consist in part of rice hulls, the My-T-Good brand did contain less than 9 per cent of protein, to wit, 7.09 per cent, and the Bay Mule brand did contain less than 9 per cent of protein, to wit, 6.71 per cent, and did contain more than 15 per cent of fiber, to wit, 20.50 per cent, and did not consist wholly of corn, oats, alfalfa, cottonseed meal, oat feed (oat hulls, oat middlings, oat shorts), rice bran, cane molasses, and salt, but did consist in part of peanut shells, and contained no oat feed.

On December 6, 1921, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate amount of \$40.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10891. Adulteration and misbranding of vinegar. U. S. v. 4½ Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13829. I. S. No. 3465-t. S. No. C-2564.)

On October 29, 1920, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4½ barrels of vinegar, remaining in the original unbroken packages at Grantsburg, Wis., alleging that the article had been shipped by Barrett & Co., Minneapolis, Minn., on or about August 26, 1920, and transported from the State of Minnesota into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs act, as amended.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for maize sugar fermented vinegar. Adulteration was alleged for the further reason that the article was artificially colored with caramel in such a manner as to conceal the inferiority of the said article.

Misbranding was alleged in substance for the reason that the barrels containing the article were labeled "Barrett & Company Maize Sugar Fermented Vinegar, Always Good Reduced to 4½% Acetic Strength * * * Minneapolis, Minn.," which statements regarding the said article were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the

further reason that the article was offered for sale under the distinctive name of another article, to wit, maize sugar fermented vinegar, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 22, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10892. Misbranding of Allan's compound extract of damiana. U. S. v. 8 Bottles, et al, of Allan's Compound Extract of Damiana. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14989, 14990, 15076. S. Nos. C-3078, C-3079, C-3081.)

On July 18, 1921, the United States attorney for the Southern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 bottles, 12 bottles, and 49 bottles of Allan's compound extract of damiana, remaining in the original unbroken packages at Terry, Utica, and Jackson, Miss., respectively, alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about February 1, 1918, and July 13 and August 7, 1920, respectively, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton and bottle) " * * * A Tonic For Both Sex * * *," (carton) " * * * Nerve and Brain Remedy * * * For Hysteria, Dizziness, Convulsions, Nervous Prostration * * * General Weakness * * * In Nervous Debility."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extracts of plant drugs, including nuxvomica, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effect thereof, appearing in the labels of the bottles and cartons containing the said article, were false and fraudulent in that the said article had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effect. Misbranding was alleged for the further reason that the article failed to bear on the label of the carton and bottle a statement of the quantity or proportion of alcohol it contained.

On November 7, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10893. Misbranding of olive oil. U. S. v. 2 Cases and 8 Cans of Olive Oil. Default decrees of condemnation, forfeiture, and sale or destruction. (F. & D. Nos. 15079, 15080. I. S. Nos. 6678-t, 6679-t. S. No. E-3390.)

On June 22, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 cases and 8 cans of olive oil, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the articles had been shipped by C. Buonocore & Son, New York, N. Y., on or about May 5, 1921, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Roma Brand Puro Olio d'Oliiva Il Campidoglio (Roma) C. Buonocore & Son 1 Gallon * * *."

Misbranding of the article was alleged in substance in the libels for the reason that the labels of the cans containing the said article bore a certain statement, to wit, "One Gallon," which said statement was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 16, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10894. **Misbranding of olive oil.** U. S. v. 46 Cases, et al, of Olive Oil. Consent decrees of condemnation and forfeiture with respect to a portion of the product and orders entered for its release under bond. Default decrees of condemnation, forfeiture, and sale or destruction with respect to remainder. (F. & D. Nos. 15336, 15370, 15485, 15528. I. S. Nos. 7041-t, 7042-t, 7044-t, 7046-t, 5452-t, 5453-t, 5454-t, 15484-t. S. Nos. E-3546, E-3550, E-3592, E-3600.)

On August 16, October 1, and October 5, 1921, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 46 cases (12 gallon cans each), 117 gallon cans, 30 half-gallon cans, and 132 quart cans of olive oil, remaining unsold in the original unbroken packages in various amounts at Waterbury, Stafford Springs, Danbury, and Bridgeport, Conn., respectively, alleging that the article had been shipped by Poleti & Co., New York, N. Y., between the dates of May 19 and July 23, 1921, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Mariani Pure Olive Oil * * *"

Misbranding of the article was alleged in substance in the libels for the reason that the respective cans containing the said article bore the following statements, "Contains One Gallon Full Measure," "Contains Half Gallon Full Measure," "Contains One Quart Full Measure," "One Gallon," "Half-Gallon," or "One Quart," as the case might be, which statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On November 8 and December 13, 1921, respectively, Poleti & Co., Inc., New York, N. Y., having entered an appearance as claimant for 46 cases, 6 gallons, and 57 quarts of the product and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said portion be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,863, in conformity with section 10 of the act. On January 10, 1922, no claimant having appeared for the remainder of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said portion be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10895. **Misbranding of olive oil.** U. S. v. 9 Cans of Compound Corn Salad Oil and Olive Oil. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 15372. I. S. No. 7043-t. S. No. E-3554.)

On or about August 22, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 gallon cans of compound corn salad oil and olive oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by Crisafulli Bros., New York, N. Y., on or about July 19, 1921, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in substance in the libel for the reason that the labels of the cans containing the article bore the following statements, "Finest Quality Table Oil La Migliore Brand Insuperabile Corn salad oil compound with Extra Fine Olive Oil Net Contents One Gallon Packed in U. S. A. * * *," which said statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 16, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10896. Misbranding of corn feed meal. U. S. v. Grain Belt Mills Co., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 15583. I. S. No. 12782-t.)

On February 15, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Grain Belt Mills Co., a corporation, South St. Joseph, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 5, 1921, from the State of Missouri into the State of Texas, of a quantity of corn feed meal which was misbranded. The article was labeled in part: "100 Lbs. Net Corn Feed Meal Grain Belt Mills Co. South St. Joseph Missouri."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 7.44 per cent of protein and 1.92 per cent of fat.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Analysis Protein, 9½%; Fat, 3½%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 9½ per cent of protein and not less than 3½ per cent of fat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 9½ per cent of protein and not less than 3½ per cent of fat, whereas, in truth and in fact, it did contain less than 9½ per cent of protein and less than 3½ per cent of fat, to wit, 7.44 per cent of protein and 1.92 per cent of fat.

On March 8, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10897. Adulteration of shell eggs. U. S. v. Jim Moss. Plea of guilty. Fine, \$25. (F. & D. No. 15585. I. S. No. 204-t.)

On January 21, 1922, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jim Moss, Cunningham, Ky., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 24, 1921, from the State of Kentucky into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination of 2,160 eggs from the consignment, by the Bureau of Chemistry of this department, showed that 139, or 6.4 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy, spot rots, blood rings, heavy, and eggs stuck to the shell.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 17, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10898. Misbranding of san-methyl capsules. U. S. v. 1 Dozen Boxes of San-Methyl Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15793. S. No. E-3821.)

On March 23, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 dozen boxes of san-methyl capsules, remaining unsold in the unbroken packages at Brooklyn, N. Y., consigned November 25, 1921, alleging that the article had been shipped by the Grape Capsule Co., Allentown, Pa., and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the capsules contained methylene blue, salol, santal oil, and cinnamon.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, appearing on the label of the package containing the same, " * * * For gonorrhea, gonorrheal rheumatism, gleet and urethral

diseases generally," were false and fraudulent, since the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it.

On April 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10899. Adulteration of shell eggs. U. S. v. George W. Grant. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16025. I. S. No. 1039-t.)

On April 29, 1922, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. Grant, Miami, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 7, 1921, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "* * * From G. W. Grant * * * Miami, Okla."

Examination, by the Bureau of Chemistry of this department, of 900 eggs from the consignment showed that 64, or 7.1 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy stuck, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On July 31, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10900. Misbranding of cottonseed cake. U. S. v. Houston County Oil Mill & Mfg. Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 14501. I. S. No. 24805-r.)

On June 8, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Houston County Oil Mill & Mfg. Co., a corporation, Crockett, Texas, alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about January 2, 1920, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake, in unlabeled sacks, which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 15, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 10901-10950.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 28, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10901. Misbranding of gonno specific. U. S. v. 16 Boxes of Drugs. Default decree of condemnation and forfeiture. Product destroyed. (F. & D. No. 14590. S. No. E-3164.)

On March 9, 1921, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 boxes of drugs, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Grape Capsule Co., Allentown, Pa., on or about October 9, 1920, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "Gonno Specific."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of capsules containing cubeb oleoresin, copaiba oleoresin, and salol.

Misbranding of the article was alleged in substance in the libel for the reason that the label of the box containing the same bore certain statements regarding the therapeutic and curative effects of the said article which falsely and fraudulently represented it to be effective for gonorrhea, gleet, and all kidney and bladder troubles, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effect claimed.

On September 7, 1921, no claimant having appeared for the property, a decree of the court was entered ordering that the product be forfeited and confiscated to the use of the United States. On the same date a writ for the destruction of the said product was issued.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10902. Misbranding of Lung Germine. U. S. v. 1 Dozen Packages of Lung Germine. Default decree of condemnation and forfeiture. Product destroyed. (F. & D. No. 15125. S. No. E-3422.)

On July 19, 1921, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 dozen packages of Lung Germine, remaining unsold in the original unbroken packages at New York, N. Y. (Tottenville, S. I.), alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about June 23, 1921, and transported from the State of Michigan into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid and water with small amounts of iron sulphate, alcohol, and materials derived from cod-liver oil and spices.

The allegations in the libel with reference to the false and fraudulent statements as to the curative and therapeutic effect of the article, appearing in the labeling thereof, were substantially the same as those set forth in detail in Notice of Judgment No. 10515, to which reference is made. Misbranding was alleged in substance in the libel for the further reason that the statement on the bottle label and carton, "Alcohol 10% by Volume," was false and misleading and in that the package or label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On September 29, 1921, no claimant having appeared for the property, a decree of the court was entered ordering that the product be forfeited, confiscated, and condemned to the use of the United States. On October 10, 1921, the goods were destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10903. Misbranding of Lung Germine. U. S. v. 5 Packages of Lung Germine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15187. S. No. E-3442.)

On July 25, 1921, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 packages of Lung Germine, at Albany, N. Y., alleging that the article had been shipped by the Lung Germine Co., from Jackson, Mich., on or about May 14, 1921, and transported from the State of Michigan into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid and water with small amounts of iron sulphate, alcohol, and materials derived from cod-liver oil and spices.

The allegations in the libel with reference to the false and fraudulent statements as to the curative and therapeutic effect of the article, appearing in the labeling thereof, and with reference to the false and misleading statement as to the alcohol content of the said article, appearing in the said labeling, were substantially the same as those set forth in detail in Notice of Judgment No. 9897, to which reference is made. Misbranding was alleged for the further reason that the package failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On September 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10904. Misbranding of salad oil. U. S. v. 45 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15340. I. S. No. 15423-t. S. No. E-3539.)

On August 8, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 45 gallon cans of salad oil at Hoboken, N. J., alleging that the article had been shipped by I. Haber, New York, N. Y., on or about July 15, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Prophet Brand Extra Fine Oil * * * A compound Net Contents 1 Gallon."

Examination of the article by the Bureau of Chemistry of this department showed that the cans contained less than the amount declared on the label.

Misbranding of the article was alleged in substance for the reason that the labels of the cans containing the article bore the following statement, design, or device regarding the said article, "Net Contents 1 Gallon," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10905. Adulteration of ground chili pepper. U. S. v. 1 Barrel of Ground Chili Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15369. I. S. No. 902-t. S. No. C-3209.)

On September 9, 1921, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of ground chili pepper, remaining unsold at Cincinnati, Ohio, in the possession of the Frank Tea & Spice Co., returned from Indianapolis, Ind., August 26, 1921, alleging that the article had been shipped from Indianapolis, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On January 28, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10906. Adulteration and misbranding of lemon pie filling. U. S. v. Burton D. Smith and John B. Hecox (Consumers Supply Co.). Pleas of guilty. Fine, \$175. (F. & D. No. 15560. I. S. Nos. 7-t, 8-t, 9-t, 3068-t, 11528-t, 11531-t.)

On January 22, 1922, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Burton D. Smith and John B. Hecox, copartners, trading as Consumers Supply Co., Portland, Mich., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of Michigan, on or about April 3 and June 7, 1920, respectively, into the State of Indiana, on or about July 29, 1920, into the State of Ohio, and on or about October 9 and December 16, 1920, respectively, into the State of Illinois, of quantities of lemon pie filling which was adulterated and misbranded. The article was labeled in part: "Consumers Lemon Pie Filling * * * Manufactured, Sold and Guaranteed by Consumers Supply Company, Portland, Michigan, U. S. A."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a powdered mixture of cornstarch, sugar, and citric and tartaric acids, colored with tartrazine and flavored with lemon oil. A portion of the said article was found to be short weight.

Adulteration of the article was alleged in the information for the reason that a mixture consisting of cornstarch, sugar, and citric acid, flavored with lemon oil, artificially colored, and which contained no egg or lemon juice, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for lemon pie filling which the said article purported to be. Adulteration was alleged for the further reason that it was an article inferior to lemon pie filling, to wit, a mixture composed in large part of cornstarch, sugar, and citric acid, flavored with lemon oil, and which contained no egg or lemon juice, prepared in imitation of lemon pie filling, and was colored with a certain coal-tar dye, to wit, tartrazine, so as to simulate the appearance of lemon pie filling, and in a manner whereby its inferiority to lemon pie filling was concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "Lemon Pie Filling Contains the same ingredients used * * * in making lemon pies * * *," " * * * not necessary to use eggs * * * all necessary ingredients have been added * * *," "Guaranteed to conform to National * * * Food Laws," borne on the labels attached to the cans containing the article, and the statement, to wit, "Net Contents 8 Ounces," borne on the labels attached to a portion of said cans, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was lemon pie filling which contained the same ingredients used in making lemon pies, that it contained all the necessary ingredients, including egg, for making lemon pies, that it conformed to the requirements of the Food and Drugs Act of June 30,

1906, and that a portion of the said cans contained 8 ounces net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was lemon pie filling which contained the same ingredients used in making lemon pies, that it contained all the necessary ingredients, including egg, for making lemon pies, that it conformed to the requirements of the Food and Drugs Act of June 30, 1906, and that a portion of the said cans contained 8 ounces net of the said article, whereas, in truth and in fact, it was not lemon pie filling which contained the same ingredients as those used in making lemon pies and containing all the necessary ingredients, including egg, for making lemon pies, but was a mixture, artificially colored, largely composed of cornstarch, sugar, and citric acid, flavored with lemon oil, and which contained no egg, and which had no value as lemon pie filling for making lemon pies, it did not conform to the requirements of the said Food and Drugs Act, and a portion of the said cans did not contain 8 ounces net of the article, but did contain a less amount. Misbranding was alleged with respect to a portion of the said article for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 21, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$175.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10907. Adulteration of shell eggs. U. S. v. Lem M. Hoskins. Plea of guilty. Fine, \$25. (F. & D. No. 15569. I. S. No. 205-t.)

On January 21, 1922, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lem M. Hoskins, Bardwell, Ky., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 24, 1921, from the State of Kentucky into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination of 1,080 eggs from the consignment, by the Bureau of Chemistry of this department, showed the presence of 64, or 5.9 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 17, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10908. Adulteration of shell eggs. U. S. v. Francis Marion Harper. Plea of guilty. Fine, \$25. (F. & D. No. 15570. I. S. No. 206-t.)

On December 20, 1921, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Francis Marion Harper, Bardwell, Ky., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 25, 1921, from the State of Kentucky into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 180 eggs from each of 15 cases from the consignment showed that 189, or 7 per cent of the number examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy, blood rings, and eggs stuck to the shell.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 17, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10909. Adulteration of cut stringless beans. U. S. v. 38 Cases of Cut Stringless Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15931. S. No. E-3738.)

On January 23, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 38 cases of cut stringless beans, remaining unsold in the

original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Webster-Butterfield Co., Inc., Baltimore, Md., on October 18, 1921, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 17, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10910. Misbranding of feed meal. U. S. v. Fred O. Shane (Circleville Milling Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 11634. I. S. No. 18331-r.)

On January 14, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred O. Shane, trading as the Circleville Milling Co., Circleville, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 16, 1919, from the State of Ohio into the State of Maine, of a quantity of feed meal which was misbranded. The article was labeled in part: "100 Pounds Feed Meal Manufactured by Circleville Milling Co. Circleville, Ohio."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 7.63 per cent of protein, 2.20 per cent of fat, and 8.18 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "(Guaranteed) Protein, Minimum, 10. Per Cent Fat Minimum, 3.25 Per Cent Fiber, Maximum, 6. Per Cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 10 per cent of protein, not less than 3.25 per cent of fat, and not more than 6 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of protein, not less than 3.25 per cent of fat, and not more than 6 per cent of fiber, whereas, in truth and in fact, it did contain less than 10 per cent of protein, less than 3.25 per cent of fat, and more than 6 per cent of fiber, to wit, 7.63 per cent of protein, 2.20 per cent of fat, and 8.18 per cent of fiber.

On June 8, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10911. Misbranding of Vitalo. U. S. v. 8 Dozen Bottles of Vitalo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13954. I. S. No. 1636-t. S. No. C-2582.)

On December 9, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 dozen bottles of Vitalo, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., October 12, 1920, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and carton) "Vitalo * * * Nerve and Muscle Tonic"; (carton) "Remedy * * * For General Weakness * * * Nervous Debility * * * for the Nerves, Brain and Muscles."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extracts of plant drugs, including damiana and nux vomica, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent in that it had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effects.

On November 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10912. Misbranding of Bick's Daisy 99. U. S. v. 7 Bottles of Bick's Daisy 99. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13955. S. No. C-2586.)

On December 9, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 bottles of Bick's Daisy 99, remaining in the original unbroken packages at Greenville, Miss., alleging that the article had been shipped by the Palestine Drug Co., St. Louis, Mo., on or about February 15, 1919, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Wrapper and bottle) "For Gonorrhoea, Gleet, Leuchorrhoea, Kidney and Bladder Troubles, Chronic Seminal and Mucous Discharges. For Male and Female"; (wrapper) "Absolutely Reliable; Perfectly Safe and Sure; Never has Failed; * * *. In severe cases use from one to three bottles."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of plant drugs, including cascara sagrada and buchu, sodium acetate, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect thereof, appearing in the label of the bottle containing the said article and in the accompanying wrapper, were false and fraudulent in that the said article had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effects.

On November 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10913. Adulteration and misbranding of barley feed. U. S. v. Timothy G. Jewett, Howard D. Jewett, and Roy L. Jewett (T. G. Jewett & Sons). Pleas of guilty. Fines, \$75 and costs. (F. & D. No. 15466. I. S. No. 10923-r.)

On January 14, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Timothy G. Jewett, Howard D. Jewett, and Roy L. Jewett, copartners, trading as T. G. Jewett & Sons, Portsmouth, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about April 21, 1920, from the State of Ohio into the State of Kentucky, of a quantity of barley feed which was adulterated and misbranded. The article was labeled in part: "Barley Feed Made by T. G. Jewett & Sons, Portsmouth, Ohio."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained at least 14 per cent of oats, cultivated and wild, and at least 3 per cent of weed seeds, straw, and chaff.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, cultivated and wild oats, weed seeds, straw, and chaff, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for barley feed which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Barley Feed," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients contained therein, was false and misleading in that it represented that the article consisted wholly of barley feed, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of barley feed, whereas, in truth and in fact, it did not so consist but did consist in part of cultivated and wild oats, weed seeds, straw, and chaff.

On March 23, 1922, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$75, together with the costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10914. Adulteration and misbranding of canned shrimp. U. S. v. 41 Cases of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16198. I. S. No. 6781-t. S. No. E-3886.)

On or about May 29, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information against 41 cases of canned shrimp, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Acme Packing Co., Apalachicola, Fla., on or about March 26, 1922, and transported from the State of Florida into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Ac.Pa.Co Brand Fancy Shrimp Wet Contents 5 $\frac{3}{4}$ Oz. * * * Packed by The Acme Packing Co. Apalachicola, Fla."

Adulteration of the article was alleged in the libel for the reason that an excess quantity of a liquid substance, to wit, brine, had been substituted in part for the said article.

Misbranding was alleged in substance for the reason that the statement, to wit, "Shrimp, Wet Contents 5 $\frac{3}{4}$ Oz.," borne on the labels of the cans containing the article, regarding the said article and the quantity thereof contained in the said cans, was false and misleading in that the said statement represented that each of the said cans contained, exclusive of wet contents, to wit, brine in which preserved, 5 $\frac{3}{4}$ ounces of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 $\frac{3}{4}$ ounces of the said article, to wit, shrimp, whereas, in truth and in fact, each of said cans did not contain 5 $\frac{3}{4}$ ounces of the article, but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Wet Contents 5 $\frac{3}{4}$ Oz.," was vague and incorrect and represented more than the actual contents of the said article contained in the said package.

On September 5, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. The goods were turned over to the marshal for use as food in penal institutions.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10915. Misbranding of olive oil and corn oil. U. S. v. 22 Half Gallon Cans of Olive Oil and 22 Half Gallon Cans of Corn Oil. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 16369. I. S. Nos. 15617-t, 15618-t. S. No. E-3819.)

On May 11, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 half-gallon cans of olive oil and 22 half-gallon cans of corn oil, remaining unsold at Montclair, N. J., alleging that the articles had been shipped by the Bay Bee Oil Co., New York, N. Y., on or about March 27 and April 15, 1922, respectively, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Extra Sublime Pure Imported Olive Oil Blue Star Brand 3 $\frac{3}{4}$ Lbs. Net or 0.98 of Half Gallon Bay Bee Oil Company Importers & Packers Lucca, Italy. New York, U. S. A. * * * Half Gallon;" "Olio Sopraffino Per Insalata 'Cob' Brand Extra Fine Corn Oil Packed by (monogram consisting of initials BOC) New York * * * Net Contents Half Gallon * * *"

Misbranding of the articles was alleged in substance in the libel for the reason that the statements borne on the cans containing the respective articles, to wit, "3 $\frac{3}{4}$ Lbs. Net or 0.98 of Half Gallon" and "Half Gallon," were false and misleading since the said cans did not contain 3 $\frac{3}{4}$ pounds net or 0.98 half gallon and one-half gallon, respectively, of the said articles, but did contain a less amount, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 3 $\frac{3}{4}$ pounds net or 0.98 half-gallon and one half-gallon, respectively, of the said articles, whereas, in truth and in fact, the said cans did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the

packages, since the net quantity stated was more than the actual contents of the said packages.

On June 23, 1922, the Bay Bee Oil Co., New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10916. Adulteration and misbranding of butter. U. S. v. 52 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16801. I. S. No. 2536-v. S. No. E-4169.)

On September 8, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 52 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the American Stores Co., from Grantsburg, Wis., alleging that the article had been shipped from Grantsburg, Wis., on or about August 23, 1922, and transported from the State of Wisconsin into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pasteurized Net 63 Lbs. American Stores Co. Philadelphia, Pa. * * *."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butter fat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 2, 1922, the Farmers Cooperative Creamery Society having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10917. Adulteration and misbranding of potatoes. U. S. v. 200 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16809. S. No. E-4177.)

On September 13, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 sacks of potatoes, remaining unsold in the original unbroken packages at New York, N. Y., consigned by Chamberlain and Barclay, Hightstown, N. J., alleging that the article had been shipped from Hightstown, N. J., September 7, 1922, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "U. S. Grade No. 1, Chamberlain and Barclay, Hightstown, N. J."

Adulteration of the article was alleged in the libel for the reason that potatoes of a lower grade than that designated had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "U. S. Grade No. 1" was false and misleading, and deceived and misled the purchaser.

On September 29, 1922, Chamberlain and Barclay, Hightstown, N. J., claimants, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the sacks containing the said product be relabeled "Field Run Potatoes containing 19% serious defects 145 Pounds," under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10918. Adulteration and misbranding of potatoes. U. S. v. 19 Sacks of Potatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16810. I. S. No. 2554-v. S. No. E-4178.)

On September 13, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 sacks of potatoes, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Grover Bros., Hightstown, N. J., alleging that the article had been shipped from Hightstown, N. J., on or about September 2, 1922, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Grover Brothers, Hightstown, N. J., U. S. Grade No. 1."

Adulteration of the article was alleged in the libel for the reason that potatoes of a lower grade than that designated had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the sacks containing the article bore the following statement, "U. S. Grade No. 1 Potatoes," regarding the said article, which was false and misleading in that the said sacks did not in fact contain U. S. Grade No. 1 potatoes.

On October 2, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10919. Adulteration and misbranding of potatoes. U. S. v. 200 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16813. S. No. E-4182.)

On September 18, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 sacks of potatoes, remaining unsold in the original unbroken packages at New York, N. Y., consigned by Reed & Perrine Tennent, N. J., alleging that the article had been shipped from Tennent, N. J., September 11, 1922, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "U. S. Grade No. 1."

Adulteration of the article was alleged in the libel for the reason that potatoes of lower grade than that designated had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "U. S. Grade No. 1" was false and misleading and deceived and misled the purchaser.

On September 29, 1922, Reed & Perrine, Tennent, N. J., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the said product be relabeled "Potatoes containing 25% serious defects—145 pounds," under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10920. Misbranding of cottonseed meal and cottonseed cake. U. S. v. Alston Boyd (Washington Cotton Oil Co.). Plea of guilty. Fine, \$75. (F. & D. No. 12801. I. S. Nos. 5950-r, 6951-r, 8195-r.)

On or about April 19, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alston Boyd, trading as the Washington Cotton Oil Co., Dallas, Texas, alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about November 14, 1919, from the State of Texas into the State of Illinois, of a quantity of cottonseed meal labeled in part, "100 Lbs. (Net) Ordinary Cotton Seed Meal Manufactured by Washington Cotton Oil Co., Dallas, Texas," which was misbranded, and on or about November 29, 1918, from the State of Texas into the State of Kansas, of quantities of cottonseed cake and cottonseed meal in unlabeled sacks, invoiced as "43% C/S Cake" and "43% C/S Meal," which were misbranded.

An examination of 40 sacks of the cottonseed meal labeled "100 Lbs. Net" by the Bureau of Chemistry of this department showed an average net weight of 94.18 pounds.

Misbranding of the articles was alleged in the information for the reason that they were food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the packages.

On June 30, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10921. Misbranding of Dr. Martel's female pills. U. S. v. 75 Packages of Dr. Martel's Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13499. I. S. No. 12377-t. S. No. C-2335.)

On September 2, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 packages of Dr. Martel's female pills, remaining unsold in the original unbroken packages at Columbus, Ohio, consigned by the Royal Drug Co., Chicago, Ill., on or about July 2, 1919, alleging that the article had been shipped from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained iron sulphate, iron carbonate, and savin oil.

Misbranding of the article was alleged in substance in the libel for the reason that certain representations appearing on the label of the box containing the article and in the accompanying circular, to wit, (box) "Female Pills * * * for suppression of the menses, dysmenorrhea (painful menstruation) and similar functional derangements," (circular) "Female Pills * * * For Disturbances of the Menstrual Functions * * * for Amenorrhea (Suppression of the Menses) * * * treatment * * * should be continued until relief is obtained. For Dysmenorrhea (Painful or Scanty Menstruation) * * * our medicine will be found to give lasting benefit and genuine relief. * * * To prevent difficult, painful, over-profuse and other morbid menstrual conditions, and keep this important function normal, take * * * for a few days before the expected reappearance of the menstrual flow," were false and fraudulent in that by reason of the said statements the said article purported to contain and be a cure for said diseases, disorders, and symptoms, whereas it contained little or no ingredients capable of producing the curative and therapeutic effect claimed.

On February 17, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10922. Adulteration and misbranding of whole egg powder. U. S. v. Joe Lowe Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14929. I. S. No. 10226-t.)

On October 3, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Joe Lowe Co., a corporation, Los Angeles, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 24, 1920, from the State of California into the State of Colorado, of a quantity of whole egg powder which was adulterated and misbranded. The article was invoiced as "Hygrade Whole Egg Powder" and was labeled in part: "* * * W. E. From Joe Lowe & Co. * * * Los Angeles, Cal. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a commercial yolk containing approximately 83 per cent of actual yolk and 17 per cent of albumen or egg white.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, commercial egg yolk powder, had been substituted in whole or in part for whole egg powder, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, white of egg, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the statement, design, and device, to wit, "W. E.," borne on the barrel containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article consisted of a whole egg product, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of a whole egg product, whereas, in truth and in fact, it did not so consist but did consist in whole or in part of commercial egg yolk powder. Misbranding was alleged for the further reason that the article was a product composed in whole or in part of commercial egg yolk powder, prepared in imitation of whole eggs and so offered for sale and sold under the distinctive name of another article, to wit, whole egg powder.

On June 26, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10923. Misbranding of Giepsi Vemela. U. S. v. 1 Gross Bottles of Giepsi Vemela. Default decree of condemnation and forfeiture. Product disposed of according to law. (F. & D. No. 14972. I. S. No. 10703-t. S. No. W-960.)

On June 2, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 gross bottles of Giepsi Vemela, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Giepsi Vemela Co., Douglas, Ariz., alleging that the article had been shipped from Douglas, Ariz., on or about March 28, 1921, and transported from the State of Arizona into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of vegetable extractives, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the label of the bottle containing the said article and the accompanying carton and circular bore the following statements, (carton, English and Spanish) " * * * for the tuberculosis, colds, coughs, anemia and general debility," (bottle, English and Spanish) " * * * It is recommended for tuberculosis, colds, coughs, anemia and general debility * * * In serious cases," (circular, Spanish) "Giepsi Vemela was subjected to the laws required by the United States of America before being placed on the market, which will stimulate and increase the faith and confidence of patients who make use of this medicine," (carton) "Guaranteed under the pure food act," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On August 17, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of according to law.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10924. Misbranding of potatoes. U. S. v. James L. Leonard, Walter B. Crosset, and George B. Riley (Leonard, Crosset & Riley). Pleas of guilty. Fine, \$50. (F. & D. No. 15005. I. S. Nos. 5931-t, 5933-t.)

On May 4, 1922, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James L. Leonard, Walter B. Crosset, and George B. Riley, copartners, trading as Leonard, Crosset & Riley, Greenville, Mich., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 18, 1921, from the State of Michigan into the State of Pennsylvania, of quantities of potatoes, in sacks, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 9, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10925. Adulteration and misbranding of antiseptic tablets. U. S. v. F. A. Thompson & Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15056. I. S. No. 13493-r.)

On January 3, 1922, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. A. Thompson & Co., a corporation, Detroit, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 24, 1920, from the State of Michigan into the State of New York, of a quantity of antiseptic tablets which were adulterated and misbranded. The article was labeled in part: (Bottle) "Tablet Triturates Antiseptic Bernay's (Blue) Mercuric chloride corrosive 1 41-50 grs. * * * F. A. Thompson & Co. Detroit, Mich., U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed a shortage in mercuric chloride of 19 per cent.

Adulteration of the article was alleged in the information for the reason that its strength fell below the professed standard under which it was sold.

Misbranding was alleged in substance for the reason that the statement, to wit, "Mercuric chloride corrosive 1 41-50 grs.," borne on the labels of the bottles containing the article, regarding the said article and the substances and ingredients contained therein, was false and misleading in that the said statement represented that the article contained one and forty-one fiftieths grains of mercuric chloride corrosive to each tablet, which quantity expressed in decimal fractions is 1.820 grains, whereas, in truth and in fact, the said article contained a less quantity of mercuric chloride corrosive, to wit, 1.466 grains per tablet, or approximately 19 per cent less than represented on the said label.

On January 3, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10926. Adulteration of shell eggs. U. S. v. John W. Melton. Plea of guilty. Fine, \$25. (F. & D. No. 15064. I. S. No. 4227-t.)

On January 23, 1922, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John W. Melton, Wrightsburg, Ky., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 22, 1920, from the State of Kentucky into the State of Indiana, of a quantity of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of the 360 eggs involved in the consignment showed the presence of 60, or 16.67 per cent of those examined, inedible eggs, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On May 1, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10927. Adulteration of tomato catsup. U. S. v. 130 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15074. I. S. No. 4916-t. S. No. C-3075.)

On June 22, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 130 cases of tomato catsup, at Peoria, Ill., alleging that the article had been shipped by the Frazier Packing Co., Elwood, Ind., on or about February 7, 1919, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "* * * Burro Brand Tomato Catsup * * * Prepared by The Frazier Packing Co. Elwood, Ind., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it contained, wholly or in part, a filthy, decomposed vegetable substance.

On July 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10928. Misbranding of Zendejas treatment. U. S. v. 49 Bottles and 79 Bottles of Zendejas Treatment. Tried to the court. Finding for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 15330, 15331. I. S. Nos. 3014-t, 3015-t. S. Nos. C-3165, C-3166.)

On or about August 24, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 126 bottles of Zendejas treatment, remaining in the original packages at San Antonio, Texas, alleging that the article had been shipped by P. Zendejas, Los Angeles, Calif., in part on or about May 24 and in part on or about June 10, 1921, and transported from the State of California into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodide, extracts of plant drugs, including sarsaparilla and a laxative drug, and water, with a trace of formaldehyde.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appeared in the labeling of a portion of the said article, (display poster) "For Impure Blood Take Zendejas Treatment," (display card) "Zendejas Treatment for Diseases caused by Impure Blood," and the following statements appeared in the labeling of the remainder of the said article (blue booklet, English and Spanish) "Zendejas Treatment * * * Cleanser and Regenerator of the Blood, Anti-Reumático * * * Cured by Zendejas Treatment * * * The effectiveness of the Zendejas Treatment has become famous * * * tonic properties of the highest value, giving the blood an important dose of iron and carrying to the nerves a nutrition esteemed and durable * * * Zendejas Treatment has great Depurative Power and is antagonistic to certain germs frequently found in the blood. The effect of these elements scientifically combined is to act on the organisms expelling the germs * * * dyspepsia * * * the prime virtue of the Zendejas Treatment rests upon its excellence as a Depurative, which assists in the elimination of the impurities of the blood, carrying to the blood iron and the necessary elements to make it rich, thus stimulating nutrition of the nervous system and thereby relieving many cases of Anemia, Nervous Weakness, Chronic Catarrh, Tiredness and many other troubles which originate from poor blood and lack of nutrition * * * Rheumatism, Lumbago and Kindred Ailments * * * Impure Blood * * * Seasickness, Strange Palpitations and other symptoms which are sometimes believed to be cardiac affections * * * Rheumatism, Headache, Bad Digestion, General Weakness, Nervous Weakness, Exhaustion, Lack of Appetite, Lack of Sleep and Memory * * * pimples and skin diseases, Fatigue and little desire to do active work, Defective Circulation, Sores, Ulcers, Supuration of the Ears and Eyes, Supurated Tumors, Chronic Catarrhs, etc. * * * health and vigor declining * * * tongue * * * coated * * * bad taste in the mouth * * * tired easily * * * cannot straighten up with ease after you have bent forward for a little while * * * sight * * * obscured frequently * * * fatigue * * * hands and feet cold * * * take cold very easily * * * prone to catarrhs and affections of the respiratory organs * * * weight diminishes * * * glands are inflamed frequently * * * Do not wait for more alarming symptoms before getting treatment * * * If you are suffering the consequences of an impure blood take the Zendejas Treatment. If your blood is weak and poor, tonify it with the Zendejas Treatment, but in any event you would do well to take for a reasonable length of time at least once a year the Zendejas Treatment to purge your blood of harmful bacteria * * * quick relief from the first bottle of Zendejas Treatment * * * continue taking it until you regain your complete health * * * It benefits everyone * * * will bring useful elements to your organism. You Will Never Regret It * * *," which said statements, regarding the curative and therapeutic effect of the said article, were false and fraudulent for the reason that it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 23, 1922, the San Luis Mercantile Co. and C. Villalongin & Co., of San Antonio, Texas, having entered their appearances as claimants for respective portions of the article, and having waived a jury, the case came on for final disposition before the court. After the submission of evidence and arguments by counsel, the court overruled the demurrers to the libels theretofore filed by the claimants, and it was ordered by the court that the product be condemned and forfeited to the use of the Government and that it be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10929. Misbranding of potatoes. U. S. v. Savannah Truckers Exchange, a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 15431. I. S. Nos. 9272-t, 9273-t, 9274-t.)

On December 21, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Savannah Truckers Exchange, a corporation, Savannah, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 25, 1921, from the State of Georgia into the States of Tennessee, South Carolina, and North Carolina, respectively, of quantities of potatoes, in barrels, which were misbranded. The article was labeled in part: (Barrels) "Red Diamond Brand Savannah Truckers Exchange."

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 23, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10930. Misbranding of Aspirinal. U. S. v. 7 Bottles of Aspirinal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15726. S. No. E-3677.)

On December 9, 1921, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 dozen bottles of Aspirinal, remaining unsold in the original unbroken packages at Roanoke, Va., alleging that the article had been shipped by the Aspirinal Laboratories, Inc., Atlanta, Ga., on or about February 7, 1921, and transported from the State of Georgia into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sodium salicylate, camphor, menthol, extracts of plant drugs, including cascara sagrada and belladonna, a small amount of sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, borne on the labels attached to the boxes containing the said article, regarding the curative and therapeutic effects thereof, to wit, "* * * Colds, Coughs, Influenza, La Grippe * * * Headache, Toothache, Earache, Stomach-ache, Neuralgia, Sciatica * * * Rheumatism * * *," were false and fraudulent in that the said statements purported that the said article was a remedy and cure for headache, toothache, earache, stomachache, neuralgia, sciatica, and rheumatism, whereas, in truth and in fact, it was not.

On February 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10931. Misbranding of cottonseed meal. U. S. v. 130 Sacks of Cottonseed Meal. Product ordered released under bond. (F. & D. No. 15820. I. S. No. 9372-t. S. No. E-3826.)

On March 30, 1922, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 130 sacks of cottonseed meal, remaining in the original unbroken packages at Apalachicola, Fla., alleging that the article had been shipped by the Eufaula Cotton Oil Co., Eufaula, Ala., in part on or about

November 10, and in part on or about November 23, 1921, and transported from the State of Alabama into the State of Florida, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "100 Lbs. Standard Cotton Seed Meal Ammonia 7 per cent Protein 36 per cent Fat 6 per cent Carbohydrates 30 per cent Fibre 14 per cent Ingredients: Cotton Seed Meal and Hulls Manufactured by Eaufaula Cotton Oil Co., Eufaula, Ala."

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, appearing on the labeling of the said article, were false and misleading in that the said article did not contain the substances as set forth in the said statements but was deficient in ammonia and protein and contained peanut hulls and excessive quantities of fiber product.

On May 8, 1922, the Eufaula Cotton Oil Co., Eufaula, Ala., claimant, having paid the costs of the proceedings and executed a good and sufficient bond, in conformity with section 10 of the act, it was ordered by the court that the product be released to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10932. Adulteration and misbranding of Wine-Berre. U. S. v. Kansas City Kola Co., a Corporation. Confessed judgment. Fine, \$10 and costs. (F. & D. No. 15997. I. S. No. 1027-t.)

On April 12, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kansas City Kola Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 17, 1921, from the State of Missouri into the State of Kansas, of a quantity of Wine-Berre which was adulterated and misbranded. The article was labeled in part: "Maid of Quality Brand Drink Wine-Berre" (Design of three leaves and three loganberries).

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an artificially colored and flavored beverage containing a small amount of loganberry juice.

Adulteration of the article was alleged in the information for the reason that a product, to wit, an artificially colored mixture which contained only a small amount of fruit, had been substituted for a product made from loganberries which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to an article made from loganberries, to wit, a mixture which contained only a small amount of loganberry juice prepared in imitation of a product made wholly from loganberries, and was artificially colored with a certain coal-tar dye, to wit, amaranth, so as to simulate the appearance of and in a manner whereby its inferiority to a product made wholly from loganberries was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Wine-Berre," together with the design and device of loganberry leaves and loganberries, borne on the labels attached to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was a product wholly made from loganberries, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product wholly made from loganberries, whereas, in truth and in fact, it was not wholly made from loganberries, but was a mixture which contained only a small amount of loganberry juice.

On June 30, 1922, a confession of judgment to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10933. Adulteration of shell eggs. U. S. v. James F. Patterson (Patterson's Cash Store). Plea of guilty. Fine, \$25. (F. & D. No. 16022. I. S. No. 2360-t.)

On May 25, 1922, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James F. Patterson, trading as Patterson's Cash Store, McCurtain, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 18, 1921, from the State of Oklahoma into the State of Arkansas, of a

quantity of shell eggs which were adulterated. The article was labeled in part: " * * * From Pattersons Cash Store, McCurtain, Okla."

Examination, by the Bureau of Chemistry of this department, of the 360 eggs in the consignment showed 47, or 13 per cent of the total, to be inedible, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On July 28, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10934. Misbranding of tomatoes. U. S. v. Claude David Jeffords and Ludwig Schoenmann (Jeffords-Schoenmann Co.). Pleas of guilty. Fine, \$75. (F. & D. No. 16026. I. S. No. 18212-t.)

On April 28, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Claude David Jeffords and Ludwig Schoenmann, copartners, trading as Jeffords-Schoenmann Co., Los Angeles, Calif., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about October 6, 1921, from the State of California into the State of Texas, of a quantity of tomatoes, in lugs, which were misbranded. The article was labeled in part: " * * * Bullseye Brand Jeffords-Schoenmann Co. Calxico-Houston Los Angeles."

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 19, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10935. Misbranding of apples. U. S. v. American Fruit Growers, Inc., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 16208. I. S. No. 6011-t.)

On May 23, 1922, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Fruit Growers, Inc., a corporation, trading at Lockport, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about April 5, 1921, from the State of New York into the State of Pennsylvania, of a quantity of apples which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 23, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10936. Misbranding of Abbott Bros. compound for rheumatism. U. S. v. S Bottles, et al, of Abbott Bros. Compound For Rheumatism. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16256, 16257, 16258. S. Nos. C-3574, C-3577, C-3578.)

On May 5, 1922, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 18½ dozen bottles of Abbott Bros. compound for rheumatism, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Abbott Bros. Co., Berwyn, Ill., between the dates of July 5, 1921, and February 3, 1922, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) " * * * For Rheumatism * * *;" (circular) " * * * For Rheumatism * * *;" (carton) " * * * For Rheumatism * * * Muscular, Articular, Inflammatory * * * Sciatica, Rheumatic Neuritis, and Stiffness and Soreness of the Joints and Muscles * * * Lumbago and all Muscular and Nerve Pains of Rheumatic Origin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 8 per cent of potassium iodid, 1½

per cent of extracts of plant drugs including colchicum, 16.9 per cent of alcohol, and approximately 73 per cent of water, flavored with small amounts of aromatics, including methyl salicylate.

Misbranding of the article was alleged in substance in the libels for the reason that the bottles containing the said article, the circulars accompanying the same, and the cartons in which the said bottles were contained bore the above-quoted statements, which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed.

On July 31, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10937. Misbranding of Craemer's calculus corrective. U. S. v. 44 Bottles of Craemer's Calculus Corrective. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16268. S. No. C-3593.)

On May 5, 1922, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 44 bottles of Craemer's calculus corrective, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by William Craemer Medicine Co., St. Louis, Mo., on or about January 16, 1922, and transported from the State of Missouri into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "During an attack of Gall Stone Colic, take * * * every 2 or 3 hours. * * * the persistent use of the remedy will prevent the formation of the various Calculi or Stones named."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an aqueous solution of sodium, potassium, ammonium, and lithium phosphate, citrate, salicylate, and chloride and extract of ginger, sweetened with saccharin and colored with caramel.

Misbranding of the article was alleged in the libel for the reason that the labels of the bottles containing the said article bore the above-quoted statements which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed.

On July 31, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10938. Misbranding of Durand's Swiss herb tea. U. S. v. 3 Dozen Packages of Durand's Swiss Herb Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16276. S. No. C-3581.)

On May 5, 1922, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen packages of Durand's Swiss herb tea, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Durand Medicine Co., Cincinnati, Ohio, on or about March 15, 1922, and transported from the State of Ohio into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Wrapper) "To be used against Headache * * * Dizziness, Indigestion, Female Complaints, Liver and Kidney Complaints, Blood and Skin Diseases, etc. * * * To Purify Your Blood * * * Nature's Own Blood Purifier * * * Malarial Fever, Chills * * * Female Troubles * * * Liver and Kidney Troubles * * * Beautifies the Complexion * * * For Colds, Coughs * * *;" (circular) " * * * The Great Blood Purifying * * * Remedy. To be used against Colds and disorders of the Lungs, Stomach, Liver, Kidneys and Bladder; also against Headache * * * Coughs, Dizziness, Loss of Appetite, Indigestion, Phlegm, Sleeplessness, Pale Complexion, Weakness, Pains in the Limbs, Rheumatism, Inflammation, Toothache, Blood and Skin Diseases, and Female Complaints. * * * by taking cold * * * sicknesses may result, such as fevers, measles, rheumatism, inflamed and sore

throat, cough, skin diseases, boils, toothache, earache, headache, neuralgia, swollen glands and limbs, and many others. Therefore, as soon as you commence feeling badly you should at once take a cup of Durand's Tea * * * For Use.—In all cases of Colds, Chills, Toothache, etc. * * * Cough, Hoarseness, Influenza, Phlegm * * * Indigestion, Headache, and in general, take * * * until the desired effect is obtained. * * * Blood Purifier and Liver Regulator, and in all * * * Skin Diseases, Boils, Kidney Troubles, and all Scrofulous and Chronic Evils * * * In case of Female Complaints, Colds and Costiveness during Pregnancy, this Tea should be made not very strong, and taken every day. All these troubles may affect the child more than they do the mother. If neglected they may cause sores and eruptions on the child's head, face and ears, for a long time after its birth. For imperfect or irregular menstruation * * *;" (price list) " * * * This tea * * * can be used in almost every case of sickness * * * It is a valuable remedy for purifying the blood * * * most excellent for * * * Colds, Coughs, Indigestion, Headache, Dizziness, Loss of Appetite, Fluttering at the Heart, Pains in the Back and Side, Liver and Kidney Trouble, Rheumatism, Itching of the Skin, Sallow Complexion, Heartburn, Nausea, Biliousness, and Sleeplessness. If you are suffering with Acidity of the Stomach, disgust for food, choking or suffocating sensations when in bed, dimness of vision, flatulency, hurried or difficult breathing, inward piles, fullness of blood to the head, pimples, or any of the many complaints arising from impure blood and want of action of the liver, you should at once commence taking Durand's Tea."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture of plant drugs, including approximately 50 per cent of senna, with smaller amounts of fennel seed, orange peel, licorice root, juniper berries, althea root, saffrafras bark, lavender flowers, buckthorn bark, red clover tops, and saffron.

Misbranding of the article was alleged in substance in the libel for the reason that the wrappers, circulars, and price lists accompanying the packages containing the said article bore the above-quoted statements which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed.

On July 31, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10939. Adulteration of shell eggs. U. S. v. 40 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16827. I. S. No. 3935-v. S. No. C-3793.)

On or about August 30, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 cases of eggs, at Chicago, Ill., alleging that the article had been shipped by S. D. Rardin, Ridgeway, Mo., August 25, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On September 28, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10940. Misbranding of Vita oil. U. S. v. Loring J. Barker (Vita Oil Co.). Plea of guilty. Fine, \$100. (F. & D. No. 9909. I. S. Nos. 11825-p, 11826-p.)

On October 9, 1919, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Loring J. Barker, trading as the Vita Oil Co., Berkeley, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about August 22, 1917, from the State of California into the State of Indiana, of quantities of Vita oil which was misbranded. The article was

labeled in part: "Dr. Smith's Caloric Vita Oil * * * Vita Oil Co. Berkeley, Cal."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of nonvolatile vegetable oil, mineral oil, volatile oils including turpentine, clove, and cinnamon oils, and extractives from capsicum and pepper.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the curative and therapeutic effects of the article, appearing on the labels of the bottles containing a portion of the said article and on the accompanying wrapper, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for croup, bronchitis, diphtheria, pneumonia, pleurisy, quinsy, colds, coughs, sore throat, rheumatism, neuralgia, and all gout pains, all forms of congestion, aches and pains, swollen, stiff, lame or weak joints, colic and all diseases caused by congestion, and that certain statements appearing on the cartons and cans containing the remainder of the said article falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for deep-seated lameness, stiffness, rheumatism, croup, bronchitis, diphtheria, pneumonia, pleurisy, quinsy, colds, coughs, sore throat, gouty pains, all forms of congestion, swollen, stiff, lame and weak joints, colic, contracted cords and muscles, and all diseases caused by congestion, and that certain statements appearing in the circulars accompanying all of the said article falsely and fraudulently represented it to be a treatment, remedy, and cure for all throat troubles, lumbago, earache, painful menstruation, ovarian pains, convulsive cramps, caked breasts, diarrhea, enlarged, calloused, swollen and weak joints, founder, internal pains, inflammation of the kidneys, lockjaw, lung fever, and pneumonia, mange or itch, ring bone, splints and thrush, wind colic or grippings, nail punctures in the foot, spinal meningitis and sore throat, whereas, in truth and in fact, it was not.

On September 23, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10941. Misbranding of Allan's Star Brand pills. U. S. v. 4 Packages of Allan's Star Brand Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13880. S. No. C-2584.)

On December 9, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 packages of Allan's Star Brand pills, remaining in the original unbroken packages at Greenville, Miss., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., May 2, 1919, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "A Good Remedy In Suppressed Or Painful Menstruation. * * * to bring on the menses * * * immediately preceding the expected appearance of the menstrual flow * * * treatment should begin * * * Take one Pill * * * Continue this treatment * * * until a satisfactory result is secured. * * * To Prevent Irregularities Take one Pill * * * four or five days preceding the expected appearance of the menstrual period. * * * For Painful Menstruation The same treatment prescribed for suppression."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of iron sulphate, aloes, and starch, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article, appearing in the circular enclosed in the packages containing the same, were false and fraudulent in that the said article had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effect.

On November 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10942. Misbranding of emmenagogue pills and Bick's nerve tonic. U. S. v. 17 Packages of Emmenagogue Pills, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13881, 13882. S. Nos. C-2583, C-2585.)

On December 9, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 17 packages of emmenagogue pills, consisting of 4 packages of Leslie's, 9 packages of Arthur's, and 4 packages of Thomas' emmenagogue pills, and 10 packages of Bick's nerve tonic, remaining in the original unbroken packages at Greenville, Miss., alleging that the articles had been shipped by the Palestine Drug Co., St. Louis, Mo., on or about February 15, 1919, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The emmenagogue pills were labeled in part: (Box) "Emmenagogue Pills recommended for Ammenorrhoea, Dysmenorrhoea, and other Menstrual Troubles. * * * Beginning Treatment * * * Before The Regular Monthly Period * * * Continue * * * Until Relief Is Obtained." The nerve tonic was labeled in part: (Wrapper) "Nerve Tonic * * * one of the best * * * treatments known for those nervous run-down conditions which cause so much mental worry. * * * For the treatment of weak and irritated conditions of the nervous system * * * manifested by * * * poor appetite, feeling of weakness, despondency, lack of tone in the system of both sexes and lack of energy."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the pills consisted essentially of iron sulphate, aloes, and vegetable extract, coated with a mixture of sugar and calcium carbonate, colored pink, and that the nerve tonic consisted of two products, brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium carbonate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effects of the respective articles, appearing on the box label or the wrapper, as the case might be, were false and fraudulent in that the said articles had not the curative or therapeutic effects so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effects.

On November 28, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10943. Misbranding of anchovies in salt. U. S. v. Salvatore Cerrito. Plea of guilty. Fine, \$25. (F. & D. No. 15004. I. S. No. 10633-t.)

On December 7, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Salvatore Cerrito, Monterey, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 2, 1920, from the State of California into the State of Washington, of a quantity of anchovies in salt which were misbranded. The article was labeled in part: "Anchovies in Salt. * * * Merlino Brand Net Weight of Contents 4 Lbs. Net * * *."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average weight of 2 packages was 3 pounds, 2.85 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight of Contents 4 Lbs. Net," borne on the cans containing the article regarding the said article, was false and misleading in that the said statement represented that each of the said cans contained not less than 4 pounds net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained not less than 4 pounds net weight of the article, whereas, in truth and in fact, each of said cans did not contain 4 pounds net weight of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form,

and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 11, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10944. Adulteration and misbranding of olive oil. U. S. v. 23 Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15358. I. S. No. 516-t. S. No. C-3201.)

On September 6, 1921, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 cans of alleged olive oil, remaining in the original unbroken packages at Alliance, Ohio, alleging that the article had been shipped by S. A. Touris, New York, N. Y., on or about July 20, 1921, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for olive oil.

Misbranding was alleged in substance for the reason that the statement "Finest Quality Table Oil Tipo Termini Imerese," together with a design of an olive tree, appearing on the labels of the cans containing the said article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On October 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10945. Misbranding of 999 nerve tonic. U. S. v. 7 Packages of 999 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15492. S. No. C-3276.)

On October 25, 1921, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 packages of 999 nerve tonic, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Combination Remedy Co., Pittsburgh, Pa., on or about September 7, 1921, and transported from the State of Pennsylvania into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "999 Nerve Tonic The Capsules contained in this package are considered by best authority to be the best possible remedy for nervous disorder and lost vitality, no matter from what cause."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of capsules containing phosphorus and extracts of *nux vomica* and *damiana*.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, appearing on the label of the package containing the said article, were false and fraudulent in that it did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 25, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10946. Adulteration of alfalfa meal. U. S. v. William H. North and John North (North Bros.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 15848. I. S. No. 11647-r.)

On March 12, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William H. North and John North, a copartnership, trading as North Bros., Kansas City, Mo., alleging shipment by said defendants, in violation of the

Food and Drugs Act, on or about June 7, 1920, from the State of Missouri into the State of Tennessee, of a quantity of unlabeled alfalfa meal which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was low in protein for straight alfalfa meal. Examination by said bureau showed that it contained foreign tissues, probably from grasses or hay.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, ground prairie hay, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for unthreshed ground alfalfa hay, to wit, alfalfa meal, which the said article purported to be. Adulteration was alleged for the further reason that a substance, to wit, ground prairie hay, had been mixed with the article in a manner whereby its damage and inferiority to alfalfa meal was concealed.

On May 27, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10947. Adulteration of tomato sauce. U. S. v. 16 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15945. I. S. No. 5989-t. S. No. E-3754.)

On January 28, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 cases of tomato sauce, at Pittsburgh, Pa., alleging that the article had been shipped by Thomas Page, Albion, N. Y., on or about September 13, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Royal Kitchen Brand Page Tomato Sauce Packed by Thomas Page Albion, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 22, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10948. Misbranding of olive oil. U. S. v. 14 Gallon Cans and 31 Quart Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16179. I. S. Nos. 1809-t, 1810-t. S. No. C-3584.)

On May 1, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 gallon cans and 31 quart cans of olive oil, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by G. P. Papadopoulos, New York, N. Y., on or about March 4, 1922, and transported from the State of New York into the State of Missouri, and charging misbranding in violation of the Food and Drug Act, as amended. The article was labeled in part: (Cans) "Olio d'Olive Vergine * * * Net Contents Full Gallon" (or "Full Quarter Gallon") "G. P. P. * * * G. P. Papadopoulos * * *"

Misbranding of the article was alleged in substance in the libel for the reason that the statements in the labels of the cans containing the said article, to wit, "Net Contents Full Gallon" and "Net Contents Full Quarter Gallon," as the case might be, were false and misleading and deceived and misled the purchaser in that the actual contents of the said cans was less than the stated amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10949. Misbranding of Abbott Bros. compound for rheumatism. U. S. v. 18 Bottles, et al, of Abbott Bros. Compound for Rheumatism. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16252, 16253, 16254, 16255. S. Nos. C-3572, C-3573, C-3574, C-3575, C-3576.)

On May 4 and 8, 1922, respectively, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 208 bottles of Abbott Bros. compound for rheumatism, remaining in the original unbroken packages, in part at Kansas City and in part at St. Joseph, Mo., alleging that the article had been shipped by the Abbott Bros. Co., Berwyn, Ill., between the dates of June 17, 1921, and April 3, 1922, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) " * * * For Rheumatism;" (carton) " * * * For Rheumatism * * * Muscular, Articular, Inflammatory, Chronic, Sciatica, Rheumatic Neuritis, and Stiffness and Soreness of the Joints and Muscles, Gout, Lumbago and all Muscular and Nerve Pains of Rheumatic Origin. * * *;" (circular) " * * * For Rheumatism * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 8 per cent of potassium iodid, $1\frac{1}{2}$ per cent of extracts of plant drugs including colchicum, 16.9 per cent of alcohol, and approximately 73 per cent of water, flavored with small amounts of aromatics, including methyl salicylate.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article, appearing in the labels of the bottles and cartons containing the same and in the accompanying circular, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On June 20 and June 21, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10950. Adulteration of flour. U. S. v. 100 Sacks of Flour. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 777. S. No. 286.)

On August 14, 1909, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 sacks of flour, remaining in the original unbroken packages at Uniongrove, Ill., alleging that the article had been consigned by Wells-Abbott-Nieman Co., Schuyler, Nebr., August 3, 1909, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it was mixed, colored, powdered, coated, and stained in a manner whereby damage and inferiority were concealed, and for the further reason that it contained other deleterious ingredients which might render said article injurious to health.

On May 8, 1922, 78 sacks of the product having been previously released and no claimant having appeared for the remaining 22 sacks, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said 22 sacks of the article be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 10951-11000.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 5, 1923.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10951. Alleged misbranding of cottonseed meal. U. S. v. Red River Oil Co., a Corporation. Tried to the court and a jury. Verdict for the defendant. (F. & D. No. 12366. I. S. No. 11992-r.)

On July 31, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Red River Oil Co., a corporation, trading at Alexandria, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 11, 1919, from the State of Louisiana into the State of Kansas, of a quantity of cottonseed meal which was alleged to have been misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 36.27 per cent of crude protein, 16.51 per cent of crude fiber, and 5.80 per cent of nitrogen. Examination of the article showed that the average net weight of 60 sacks was 94.3 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Lbs. Gross—99 Lbs. Net," and "Guaranteed Analysis * * * Protein 38.55% * * * Crude Fibre 12.00% * * * Equivalent Nitrogen 6.17%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that each of the said sacks contained 99 pounds of the said article and that it contained not less than 38.55 per cent of protein, not less than 6.17 per cent of equivalent nitrogen, and not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 99 pounds of the article and that it contained not less than 38.55 per cent of protein, not less than 6.17 per cent of equivalent nitrogen, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, each of said sacks did not contain 99 pounds of the article, and the said article did contain less than 38.55 per cent of protein, less than 6.17 per cent of equivalent nitrogen, and more than 12 per cent of crude fiber. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 12, 1922, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the jury returned a verdict of not guilty.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10952. Misbranding of Vigoron. U. S. v. 216 Dozen Packages of Vigoron. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13325. I. S. No. 2382-t. S. No. C-2152.)

On August 14, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 216 dozen packages of Vigoron, remaining unsold in the

original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Sydney Ross Co., New York, N. Y., on or about July 13, 1918, and transported from the State of New York into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of sugar-coated pills containing compounds of iron, manganese, zinc, arsenic, phosphorus, and strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, appearing on the label of the bottle containing the said article and in the accompanying wrapper and circular, regarding the curative and therapeutic effect of the article, (wrapper, English and Spanish) "A Blood Making and Purifying Tonic for * * * Neurasthenia * * *," (bottle label, English and Spanish) "For * * * Neurasthenia * * * General Debility," (circular, English) "The Supreme Blood and Nerve Tonic. Recommended for * * * Neurasthenia, Nervous Irritability * * * Impotence, Irregular Menstruation * * * and General Conditions of Debility. * * * Vigoron will bring about marked improvement when taken for the symptoms mentioned * * * Asthma. * * * Boils and Carbuncles. * * * Change of Life or Menopause. * * * Irregular Menstruation * * * Chronic Malaria. * * * Chronic Rheumatism. * * * Debility. * * * Spermatorrhoea, impotence, lost vitality, nervous weakness, neurasthenia, despondency. * * * Disorders of Menstruation. * * * Delayed, scanty, painful or too profuse menstruation * * * take * * * before the expected date for menstruation and continue taking until three days after the flow has stopped. * * * Leucorrhoea or Whites. * * * Nervous Exhaustion, Nervous Dyspepsia, Nervous Headaches, Nervous Debility * * * The woman who expects to become a mother should not use Vigoron until after the fourth month. * * * Rheumatic Gout," (Spanish) "Vigoron Pastillas Invincible Power from Abundance of Blood. A Powerful Making and Purifying Tonic of the Blood for * * * Neurasthenia, General Debility * * * Nervous Dyspepsia, Impotency, and Blood and Nerve Disorders. * * * Vigoron will relieve the symptoms for which it is recommended * * * Disorders of menstruation, retarded, painful or very abundant * * * irregular menstruation * * * Vigoron * * * should be taken * * * preceding the date when the menses will or are supposed to come and * * * until the flow ceases. Ladies * * * approaching the change of life * * * should take Vigoron * * * until the nervous symptoms disappear * * * Retarded menstruation * * * may likewise be stimulated. Pregnant women should take care not to use complete doses of Vigoron until after the fourth month of pregnancy. * * * Leucorrhoea can be cured using six tablets a day * * * Nervous Debility or Neurasthenia, Nervous Exhaustion * * * persons * * * may acquire nervous exhaustion by * * * sexual abuses, by a prolonged genetic excitement and abuse of such sensations during youth * * * ladies suffer menstrual disorders as well as ovarian. In men impotence to effect natural necessities of his sex, extreme organic weakness after satisfying them, or premature flows occur. * * * Nervous Dyspepsia. * * * Boils. * * * Nervous Headache. * * * furuncles. * * * Rheumatic Gout. * * * Herpes of Internal Origin. * * * Intestinal Indigestion. * * * Chronic Paludism. * * * Chronic Rheumatism. * * * Pulmonary Tuberculosis," were false and fraudulent, since the said articles contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10953. Misbranding of Dr. A. W. Chase's nerve pills. U. S. v. 6 Dozen Packages of Dr. A. W. Chase's Nerve Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13350. I. S. No. 10056-t. S. No. W-688.)

On August 18, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen packages of Dr. A. W. Chase's nerve pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Dr. A. W. Chase Medicine Co., Buffalo, N. Y.,

in part July 8, 1919, and in part January 26, 1920, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained strychnine, arsenic, aloes, iron carbonate, and a manganese compound.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appeared in the labeling thereof, (label) "Used In The Treatment of * * * Nervous Prostration * * * Nervous Headache Nervous Dyspepsia * * * Irregular Heart Action Dizziness & Fainting Sleeplessness," (circular) "Nerve Pills impart new life and strength to every organ of the body, create new brain and nerve tissue, and make it next to impossible for the following diseases and symptoms of diseases to set in: Nervous prostration, exhaustion, depression, * * * sleeplessness * * * lack of energy, ambition, and nerve force, paralysis, and locomotor ataxia; * * * diseased blood, * * * female troubles, leucorrhœa (whites), painful, profuse or suppressed menstruation, tardy development of girls, sexual debility, loss of vital forces, premature decay, heart affections, neuralgia, rheumatism, la grippe, and all diseases of the brain and nerves. * * * On account of their extraordinary restorative influence and * * * action on the system, * * * Nerve Pills are especially suited to the needs of children. * * * weak and puny boys and girls become strong, healthy and robust. * * * nourish the blood and nerves * * * nourish the weakened and exhausted nervous system back to health and strength, * * * through the nerve fibres, * * * send new vitality through the whole * * * system. * * * nerves * * * must be completely restored by such nourishment as can best be supplied by * * * Nerve Pills, The great restorative * * * loss of sensation in the hands, partial loss of memory * * * dizziness and uncertainty in walking. * * * should be treated * * * while there is hope of complete recovery. * * * Nerve Pills, * * * restore the wasted nerve force, * * * by strengthening the nerves give them full control of the female organs. * * * No preparation known * * * will more quickly create new, rich blood than * * * Nerve Pills. * * * contain the life-giving principles that entitle the blood to be called the 'vital fluid,' * * * make pale weak men and women strong and healthy. * * * give to the thin and emaciated a well rounded form which tells of a steady advance in health, * * *," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10954. Adulteration and misbranding of tomato catsup. U. S. v. 998 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14576. I. S. No. 5729-t. S. No. C-2828.)

On or about March 4, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 998 cases of tomato catsup, remaining unsold in the original unbroken packages at Buffalo, N. Y., consigned by H. N. Weller & Co., Richmond, Mich., alleging that the article had been shipped from Richmond, Mich., on or about December 17, 1920, and transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Tomato Catsup Made From Best Selected Stock."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal or vegetable substance.

Misbranding was alleged in substance for the reason that the statement on the label, to wit, "Made From Best Selected Stock," together with a design of a whole ripe tomato, was false and misleading.

On June 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10955. Adulteration of gray shorts. U. S. v. Gateway Milling Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 14744. I. S. No. 114-r.)

On July 26, 1921, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gateway Milling Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 4, 1920, from the State of Missouri into the State of Georgia, of a quantity of gray shorts which was adulterated. The article was labeled in part: "Mfg. by Gateway Milling Co. Kansas City, Mo. Gray Shorts, Red Dog Flour, Pulverized Wheat Bran."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of shorts, flour, bran, and rice hulls.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, rice hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for gray shorts, red dog flour, and pulverized wheat bran, which the said article purported to be.

On October 25, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10956. Adulteration and misbranding of Cacapon healing water. U. S. v. 1100 5-Gallon Cans and 600 Bottles of Cacapon Healing Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15279. I. S. Nos. 3385-t, 3387-t, 3388-t. S. No. C-3130.)

On July 27, 1921, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,100 5-gallon cans and 600 bottles of Cacapon healing water, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Capon Water Co., from Winchester, Va., on or about May 30, 1921, and transported from the State of Virginia into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Drink Cacapon Healing Water and Live * * * The Catawba Indians Called it Yayapehon * * * Capon Springs Company, West Virginia * * *." (bottles) "Cacapon Healing Water Prescribed by Prominent Physicians * * * Should be used by all women * * * Capon Springs Co., Capon Springs, W. Va.;" (cans and bottles) "* * * For Over Two Centuries Leading Physicians have prescribed Cacapon (Healing Water) for many diseases, including some thought incurable * * * Drink and Live. Tonic, Alterative and Diuretic * * * I know of No Water Comparable To Capon for bladder and kidney trouble * * * I have observed striking results in rheumatic gout, syphilitic rheumatism and chronic inflammation."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the mineral matter dissolved in the water consisted chiefly of calcium bicarbonate. Bacteriological examination by the same bureau showed that the water in the cans was polluted.

Adulteration of the portion of the article contained in the said 1,100 5-gallon cans, considered as a food, was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal or vegetable substance.

Misbranding of the article contained in both the cans and bottles, considered as a drug, was alleged for the reason that the above-quoted statements, regarding the curative and therapeutic effects of the said article, appearing on the labels of the bottles and cans containing the same, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 17, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10957. Misbranding of Avalon distemper and cold compound. U. S. v. 6 Bottles of Abalon [Avalon] Distemper and Cold Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15543. S. No. E-3638.)

On November 10, 1921, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 bottles of Abalon [Avalon] distemper and cold compound, at Otselic, N. Y., alleging that the article had been shipped by the Avalon Farms Co., Chicago, Ill., on or about September 29, 1921, and transported from the State of Illinois into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Distemper * * * Compound * * * Recommended for * * * strangles, distemper or shipping fever * * *;" (circular) "Distemper * * * Compound * * * Distemper * * * shipping fever and colt-ill * * * strangles * * * give Avalon Farms Distemper and Cold Compound * * * until the aggravating symptoms subside, after which a dose three times a day is sufficient until recovery is complete * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of ammonium chlorid, iron chlorid, glycerin, mydriatic alkaloid, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof, appearing on the label of the bottle containing the said article and in the accompanying circular, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 7, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10958. Misbranding of cold pressed cotton seed. U. S. v. Gilmer Cotton Seed Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15573. I. S. No. 463-t.)

On January 10, 1922, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gilmer Cotton Seed Oil Co., a corporation, Gilmer, Texas, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 22, 1920, from the State of Texas into the State of Missouri, of a quantity of cold pressed cotton seed which was misbranded. The article was labeled in part: "Equity Brand Cold Pressed Cotton Seed Weight 100 Lbs. Net."

Examination, by the Bureau of Chemistry of this department, of 40 sacks of the said article showed that the average net weight of the sacks examined was 89.6 pounds, an average shortage from the declared weight of 10.4 per cent.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 27, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10959. Misbranding of sirup. U. S. v. 978 Cans of Sirup. Decree ordering release of product under bond. (F. & D. No. 16387. I. S. Nos. 14310-t, 14311-t, 14312-t, 14313-t. S. No. W-1098.)

On July 3, 1922, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 978 cans of sirup, remaining unsold in the original unbroken packages at Rock Springs, Wyo., consigned by the Vincent Syrup Co., Denver, Colo., alleging that the article had been shipped from Denver, Colo., on or about May 1, 1920, and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Can) "23 Pounds Net Vincent's 3 0 1 Table Syrup Flavored with Maple * * * Manufactured by Vincent Syrup Co. Denver, Colorado." The remainder of the

article was labeled in part: (Can) "A No. 1 Vincent's Leader Cane and Maple Syrup Vincent 2½ Lbs Net" (or "5 Lbs Net" or "10 Lbs Net") "Vincent Syrup Co. Denver, Colo."

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the cans of the respective sizes, containing the said article, "23 Pounds Net," "2½ Lbs Net," "5 Lbs Net," and "10 Lbs Net," were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that the said cans purported to contain 23 pounds, 2½ pounds, 5 pounds, and 10 pounds, respectively, whereas, in truth and in fact, each of said cans did contain less than 23 pounds, 2½ pounds, 5 pounds, or 10 pounds, as the case might be, of the said article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On August 2, 1922, the Vincent Syrup Co., Denver, Colo., having entered an appearance as claimant for the property, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10960. Misbranding of Cadomene tablets. U. S. v. 557 Packages of Cadomene Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14381, 14382. I. S. Nos. 10511-t, 10512-t. S. Nos. W-854, W-855.)

On January 31, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 557 packages of Cadomene tablets, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Blackburn Products Co., Dayton, Ohio, between the dates of March 19 and June 3, 1920, and transported from the State of Ohio into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained zinc phosphid, strychnine, and an iron salt, coated with calcium carbonate and colored lavender.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the label of the bottle containing the said article and in the accompanying circular, (bottle) "Invigorating * * * for the Treatment of * * * Neurasthenia (Nerve Exhaustion), General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other Symptoms due to * * * Worry, Grief, Intemperance, Dissipation, Overwork, Mal-Nutrition, Convalescence from Influenza, Etc. * * *," (circular) " * * * the benefits to be derived from their use, are such as to recommend them to all who may be afflicted with * * * Neurasthenia, Nervous Exhaustion, General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other symptoms due to * * * Worry, Grief, Intemperance, Dissipation Mal-Nutrition, Overwork, Etc. * * * valuable for those who are despondent, nervous, irritable and unable to act naturally under the most ordinary circumstances * * *" were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10961. Misbranding of Egyptian regulator tea. U. S. v. 528 Packages, et al., of Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14390, 14391, 14392. I. S. Nos. 10486-t, 10487-t, 10488-t. S. Nos. W-857, W-858, W-859.)

On February 1, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and

condemnation of 528 packages, 35-cent size, 309 packages, 65-cent size, and 41 packages, \$1.25 size, of Egyptian regulator tea, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Kells Co., Newburgh, N. Y., between the dates of January 8 and November 27, 1920, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of compressed herbs, including senna, coriander, dog grass, licorice root, ginger, sambucus, cinnamon, and dandelion root.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, appearing in the accompanying white circulars and in the blue wrappers, (white circular, all sizes) "Egyptian Regulator Tea a Speedy and Positive relief for Dyspepsia, Liver Complaint, Sick Headache, Nervousness. * * * Nature's Own Gift to Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, whether Male or Female, Old or Young. * * * Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. * * * Lung Trouble and Consumption, Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look * * * diabetes * * * Malaria * * * killing the Disease Germs * * * Heart Troubles, Paralysis, Rheumatism, Gout * * * apoplexy," (blue wrapper, 35-cent and 65-cent sizes) "Egyptian Regulator Tea a Remedy for * * * Dyspepsia, sick headaches, and all disorders of the stomach, its daily use will purify the blood remove all blotches from the face and restore the complexion. Ladies will find this a valuable remedy for all female complaints, also for liver and kidney troubles," (blue wrapper, \$1.25 size) "Egyptian Regulator Tea an Excellent Remedy for * * * Dyspepsia * * * Rheumatism, Nervousness, Liver Complaints, Sick Headache, Corpulency, etc. * * *," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10962. Adulteration and misbranding of Wine-O and Strawberry beverages. U. S. v. James H. Duncan (Astoria Soda Works). Plea of guilty. Fine, \$50. (F. & D. No. 14560. I. S. Nos. 10304-t, 10305-t.)

On July 23, 1921, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James H. Duncan, trading as the Astoria Soda Works, Astoria, Oreg., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 23, 1920, from the State of Oregon into the State of Washington, of quantities of Wine-O and Strawberry beverages, respectively, which were adulterated and misbranded. The articles were labeled in part, respectively: "Wine-O Flavored With Fruit and Berry Juices * * * Astoria Soda Works Sole Manufacturers * * *," "Purity ASW Strength Strawberry * * * Astoria Soda Works Astoria, Oregon."

Analysis of a sample of the Wine-O by the Bureau of Chemistry of this department showed that it was a beverage containing a little natural flavoring, artificially colored and flavored, and containing saccharin; analysis of a sample of the Strawberry by said bureau showed that it was a carbonated beverage, artificially colored and flavored and containing saccharin.

Adulteration of the articles was alleged in the information for the reason that an artificially colored mixture containing saccharin and flavored with phosphoric acid, with respect to the Wine-O, and a product made from strawberries artificially flavored and which contained a large proportion of saccharin, with respect to the Strawberry, had been substituted in whole or in part for "Wine-O Flavored With Fruit and Berry Juices," or "Purity Strength Strawberry," to wit, a product made from strawberries, as the case might be, which the said articles purported to be. Adulteration was alleged with respect to the

Wine-O for the further reason that it was a product inferior to a beverage flavored with fruit and berry juices, to wit, a mixture containing saccharin and flavored with phosphoric acid, and was colored with certain coal-tar dyes, to wit, amaranth and orange I, so as to simulate the appearance of a beverage flavored with fruit and berry juices and in a manner whereby its inferiority to such a beverage was concealed. Adulteration was alleged with respect to the Strawberry for the further reason that it was an article inferior to a product made from strawberries, to wit, a mixture artificially flavored and which contained a large portion of saccharin, and was colored with a certain coal-tar dye, to wit, amaranth, so as to simulate the appearance of a product made from strawberries and in a manner in which its inferiority to such product was concealed. Adulteration was alleged with respect to both products for the reason that they contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render the said articles injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "Wine-O Flavored With Fruit and Berry Juices," together with the design and device of peaches, grapes, apples, pineapple, strawberry, and orange, borne on the labels attached to the bottles containing the Wine-O, and the statement, "Purity Strength Strawberry," borne on the labels attached to the bottles containing the Strawberry, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that they represented that the said articles were beverages flavored with fruit juices or a product made from strawberries, as the case might be, and for the further reason that the Wine-O was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a beverage flavored with fruit and berry juices, whereas, in truth and in fact, the said Wine-O was not a beverage flavored with fruit and berry juices, but was an artificially colored mixture containing saccharin, flavored with phosphoric acid, and which contained little or no fruit and berry juices, and the said Strawberry was not a product made from strawberries, but was a mixture artificially flavored and colored and which contained saccharin. Misbranding was alleged with respect to the Strawberry for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On August 1, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10963. Misbranding of Lung Germine. U. S. v. 30 Bottles of Lung Germine. Default decree of condemnation and forfeiture. Product disposed of according to law. (F. & D. No. 15090. I. S. No. 10718-t. S. No. W-988.)

On June 27, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 bottles of Lung Germine, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Lung Germine Co., Jackson, Mich., alleging that the article had been shipped from Jackson, Mich., on or about January 29 and May 2, 1921, and transported from the State of Michigan into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid and water, with small quantities of iron sulphate, alcohol, and materials derived from cod-liver oil and spices.

It was alleged in substance in the libel that the article was misbranded in that the bottles and cartons containing the said articles were labeled in part as follows, (bottle) "Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) * * * Use no other lung medicine while using Lung Germine. Read carefully the circular accompanying this bottle * * * " (carton) " * * * Use no other lung medicine when using Lung Germine. Read carefully the circular accompanying this bottle. * * * Your lungs Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pain in chest and sides? Do you spit yellow black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symp-

toms. Keep Lung Germine in your home ready for immediate use at the first sign of Membraneous Lung Disease or Bronchial Irritation * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages)," which statements on the said labels and cartons were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of by the United States marshal according to law.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10964. Misbranding of Allan's compound extract of damiana. U. S. v. 10 Bottles of Allan's Compound Extract of Damiana. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14788. S. No. C-2972.)

On August 14, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 bottles of Allan's compound extract of damiana, remaining unsold in the original unbroken packages at Houma, La., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about February 5, 1921, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extracts of plant drugs, including nuxvomica, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, appearing on the labels of the bottle and carton containing the same, (bottle and carton) " * * * A Tonic For Both Sex * * *," (carton) " * * * Aphrodisiac * * * for General Weakness * * * Nervous Debility * * *," together with the design and device of a female figure holding to his lips left hand of female figure and with his right arm at her back, right hand resting on her shoulder holding her right hand, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the article contained alcohol, and the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein.

On December 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10965. Misbranding of olive oil. U. S. v. 25 Cans, et al., of Olive Oil. Default decrees ordering sale of product. (F. & D. Nos. 15958, 15959, 15960, 15961, 15962, 15963. I. S. Nos. 875-t, 18603-t, 18604-t, 18605-t, 18606-t, 18607, 18609-t, 18611-t. S. Nos. C-3411, C-3412, C-3413, C-3414, C-3415, C-3416.)

On February 8, 1922, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 50 7½-ounce cans, 45 pint cans, 177 quart cans, 61 half-gallon cans, and 9 gallon cans of olive oil, remaining in the original unbroken packages, in part at Indiana Harbor, in part at Gary, and in part at Hammond, Ind., alleging that the article had been shipped in various consignments by Deligiannis Bros., the Nasiacos Importing Co., and Kakarakis Bros., all of Chicago, Ill., between the dates of February 14 and December 30, 1921, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was variously labeled in part: "Net Contents One Quart" (or "One Pint") " * * * Pure Olive Oil Universal Brand Deligiannis Bros. Chicago, U. S. A. * * *"; "Contents ½ Gallon 60 Fl. Ozs." (or "Contents ¼ Gallon 30 Fl. Ozs.," "Contents 15 Fl. Oz.," or "Contents 7½ Fl. Oz.") "Athlete Brand Pure Olive Oil * * * Nasiacos Importing Co., Chicago, Ill.," "Contents 1 Quart" (or "Contents 1

Gallon," "Contents $\frac{1}{2}$ Gallon," or "Contents 1 Pint") "Electra Brand Extra Superfine Pure Olive Oil * * * Kakarakis Bros. Chicago, Ill. * * *."

Misbranding of the article was alleged in substance in the libels for the reason that the statements on the labels of the respective-sized cans containing the said article, to wit, "Net Contents One Pint," "Net Contents One Quart," "Net Contents $\frac{1}{2}$ Gallon," "Net Contents $7\frac{1}{2}$ Fluid Ounces," and "Net Contents 1 Gallon," were false and misleading and deceived and misled the purchaser, in that the said statements did not correctly state the amount of the article contained in the said cans.

On June 14, 1922, no claimant having appeared for the property, judgment of the court was entered finding that the Government was entitled to the entry of decrees in the cases, and it was ordered by the court that the product be sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10966. Adulteration and misbranding of flour. U. S. v. 100 Sacks and 108 Sacks of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16292, 16310. I. S. Nos. 10866-t, 14438-t. S. Nos. W-1081, W-1083.)

On May 5 and 12, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 208 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mark P. Miller Milling Co., Moscow, Idaho, April 17, 1922, and transported from the State of Idaho into the State of California, and charging adulteration with respect to a portion of the said article and adulteration and misbranding with respect to the remainder thereof, in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Weight 98 Pounds Net Mark P. Miller Milling Company, Moscow, Idaho, Bluestem Clear Bleached L." The remainder of the article was labeled in part: "Silver Drop Flour Made From Selected Winter Wheat Genesee, Idaho Matured and Bleached."

Adulteration of both brands of the article was alleged in the libels for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged with respect to the portion of the article labeled "Bluestem Clear Bleached" for the reason that the statement, "Weight 98 Pounds Net," was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 5, 1922, the Mark P. Miller Milling Co., Moscow, Idaho, having entered an appearance as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,600, in conformity with section 10 of the act, conditioned in part that the said product be made to conform to the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10967. Adulteration and misbranding of flour. U. S. v. 400 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16299. I. S. No. 10868-t. S. No. W-1082.)

On May 10, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Cascade Milling & Elevator Co., Cascade, Mont., April 13, 1922, and transported from the State of Montana into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Cascade Flour Highest Patent Cascade Milling and Ele. Co."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously

affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 23, 1922, A. G. King and G. E. Mattocks, copartners, trading as the Consolidated Flour Mills Co., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10968. Adulteration and misbranding of flour. U. S. v. 60 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16535. I. S. No. 21805-t. S. No. W-1129.)

On June 30, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Royal Milling Co., Great Falls, Mont., April 28, 1922, and transported from the State of Montana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sacks) "Royal Milling Co. Bakers Patent Great Falls, Mont. Bleached 98 Lbs. Regal Flour."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing on the labels of the sacks containing the said article, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 19, 1922, the Royal Milling Co., Great Falls, Mont., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the product be reconditioned and properly labeled, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10969. Adulteration and misbranding of canned clams. U. S. v. 300 Cases and 80 Cases of Clams. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16443, 16444. I. S. Nos. 14413-t, 14414-t, 14416-t. S. Nos. W-1110, W-1111.)

On June 21, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 300 cases of razor clams and 80 cases of unlabeled clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Grays Harbor Fisheries & Packing Co., Bay City, Wash., June 2, 1922, and transported from the State of Washington into the State of California, and charging adulteration and misbranding, with respect to the former, and adulteration, with respect to the latter, in violation of the Food and Drugs Act, as amended. The razor clams were labeled in part: (Can) "Cluff Brand Fresh Minced Razor Clams Contents 7 Oz. Meat Contents 3½ Oz. * * *"

Adulteration was alleged in the libels with respect to both brands of the article for the reason that water or clam juice had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged with respect to the razor clams for the reason that the statement appearing on the cans containing the said article, "Meat Contents 3½ Oz." was false and misleading and deceived and misled the purchaser, and

for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 18, 1922, the Grays Harbor Fisheries & Packing Co., Bay City, Wash., having entered an appearance as claimant for the property through its agent, Walter C. Zinn, San Francisco, Calif., and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,752.62, in conformity with section 10 of the act, conditioned in part that the said products be made to conform to the provisions of the said act, under the supervision of and to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10970. Adulteration and misbranding of Wood's concentrated sweetener. U. S. v. 1 5-Pound Can of Wood's Concentrated Sweetener. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 13003. I. S. No. 9352-r. S. No. C-2012.)

On July 10, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 5-pound can of Wood's concentrated sweetener, remaining in the original unbroken package at Gulfport, Miss., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about June 25, 1920, and transported from the State of Missouri into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Wood's Special Concentrated Sweetener 500-500 Soluble in Cold Water Not sold as a drug W. B. Wood Mfg. Co., St. Louis, * * *."

Adulteration of the article was alleged in the libel for the reason that saccharin had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that it contained an added poisonous and deleterious ingredient, to wit, saccharin, which rendered said article injurious to health.

Misbranding was alleged for the reason that the statement on the label of the can containing the article, as follows, "* * * Special Concentrated Sweetener 500," was false and misleading and deceived and misled the purchaser, in that the said statement represented the article as being 500 times sweeter than sugar, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On July 3, 1922, the owner of the product having entered an appearance and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10971. Misbranding of Euca-Mul. U. S. v. 72 Bottles, et al, of Euca-Mul. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14253, 14254, 14255, 14270, 14271, 14272, 14273, 14274. S. Nos. C-2730, C-2731, C-2732, C-2748, C-2749, C-2750, C-2751.)

On January 27 and 31, 1921, respectively, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 25½ dozen large bottles and 116½ dozen small bottles of Euca-Mul, remaining unsold in the original unbroken packages, in part at Kansas City and in part at St. Joseph, Mo., alleging that the article had been shipped by Edward G. Binz, Los Angeles, Calif., between the dates of September 1 and December 20, 1920, and transported from the State of California into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Large size bottle) "Euca-Mul Binz * * * Indicated In Croup Bronchitis Bronchial Asthma Tuberculosis Whooping Cough and other throat and lung affections * * * relieves bronchitis and bronchial asthma. Especially effective in cough of phthisis and Whooping Cough. * * * Manf'd by Edw. G. Binz Company * * * Los Angeles, Cal.," (bottle and small size carton) "Gives immediate Relief in * * * Croup, Pneumonia, Whooping Cough, Consumption and any Lung or Throat Trouble * * * excellent for all Chronic Throat and Lung Troubles. It builds up resisting power in patient,

controls the cough * * *," (circular) "Will * * * relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough * * *, For Whooping Cough * * * Use this method of treatment, regularly, and you will find that you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul * * * for the effect in the disease, regardless of the cough, * * * Asthma This disease should be treated with Euca-Mul * * * Croup * * * Euca-Mul will be appreciated in this disease * * * The persistent use of Euca-Mul brings the best result * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements, appearing in the labels of the said bottles and cartons and in the accompanying circular, as the case might be, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the said statements.

On September 17 and 19, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10972. Misbranding of Lukosine. U. S. v. 1 Gross Packages of Lukosine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15051. S. No. C-2908.)

On June 21, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 gross packages of Lukosine, remaining unsold in the original packages at New Orleans, La., alleging that the article had been shipped by the National Drug Co., New York, N. Y., on or about May 28, 1921, and transported from the State of New York into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a powder containing approximately 80 per cent of boric acid and small proportions of zinc sulphate, alum, and a salicylate, and traces of alkaloid, phenol, thymol, and menthol, colored pink.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the label of the package containing the said article, regarding its curative and therapeutic effect, "Indications Gonorrhea, Leucorrhea * * * Inflammation of Mucous Membranes, Catarrh, Ulcers, Etc," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10973. Adulteration and misbranding of tomato purée. U. S. v. 1,740 Cases of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15798. S. No. C-2914.)

On March 24,¹⁵ 1922, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,740 cases of tomato purée, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Sisk & Son, Milton, Del., in part on or about November 1, and in part on or about November 3, 1921, and transported from the State of Delaware into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Duke of Maryland' Brand Tomato Puree * * * Packed by J. B. Andrews & Co. at Hurlock, Md., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged in substance for the reason that the statement, to wit, "Packed by J. P. Andrews & Co. at Hurlock, Md., U. S. A.," was false and misleading and deceived and misled the purchaser.

On May 25, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10974. Adulteration and misbranding of cottonseed meal and misbranding of cottonseed cake. U. S. v. McCall Cotton & Oil Co., a Corporation. Plea of guilty. Fine, \$400. (F. & D. No. 15841. I. S. Nos. 10790-t, 10804-t, 10805-t.)

On February 25, 1922, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the McCall Cotton & Oil Co., a corporation, Phoenix, Ariz., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Arizona into the State of New Mexico, on or about November 15, 1920, and April 22, 1921, respectively, of quantities of cottonseed meal, a portion of which was adulterated and misbranded and the remainder of which was misbranded, and on or about April 1, 1921, of a quantity of cottonseed cake which was misbranded. The November 15, 1920, shipment of cottonseed meal was labeled in part: "100 Pounds (Net) Cracked Cottonseed Meal * * * Guaranteed analysis Protein 43.00 per cent * * *." The April 22, 1921, shipment of cottonseed meal was unlabeled, but was invoiced as "Cottonseed Meal 43%." The cottonseed cake was labeled in part: "* * * Brand-McCall Co. McCall Cotton & Oil Co. Phoenix, Arizona Guaranteed Analysis Crude Protein 43.00 per cent."

Analysis, by the Bureau of Chemistry of this department, of a sample from each of the consignments of cottonseed meal showed that it contained 38.96 and 38.61 per cent, respectively, of protein. Analysis of a sample of the cottonseed cake by said bureau showed that it contained 41 per cent of protein.

Adulteration of the April 22, 1921, shipment of cottonseed meal was alleged in the information for the reason that a cottonseed meal of less than 43 per cent of protein, to wit, a cottonseed meal which contained approximately 38.96 per cent of protein, had been substituted for a cottonseed meal which contained 43 per cent of protein, which the said article purported to be.

Misbranding of the same shipment of cottonseed meal was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding was alleged with respect to the November 15, 1920, shipment of cottonseed meal and the cottonseed cake for the reason that the statements, respectively, to wit, "Protein 43.00 per cent" and "Crude Protein 43.00 per cent," borne on the tags attached to the sacks containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles contained not less than 43 per cent of protein, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained not less than 43 per cent of protein, whereas, in truth and in fact, said articles did contain less than 43 per cent of protein, to wit, 38.61 per cent or 41 per cent, as the case might be, of protein.

On March 7, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10975. Adulteration of shell eggs. U. S. v. George F. Gutshall (Chattanooga Mercantile Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16023. I. S. No. 18201-t.)

On April 10, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George F. Gutshall, trading as Chattanooga Mercantile Co., Chattanooga, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 15, 1921, from the State of Oklahoma into the State of Texas of a quantity of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of 720 eggs from the consignment showed that 413, or 57.3 per cent of those examined, were inedible eggs, consisting of mixed or white rots, spot rots, blood rings, blood rots, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On May 29, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10976. Adulteration and misbranding of vinegar. U. S. v. 20 Cases and 6 Barrels of Vinegar. Decree adjudging product adulterated and misbranded and ordering its destruction. (F. & D. Nos. 16103, 16104. I. S. Nos. 17209-t, 17211-t. S. Nos. E-3841, E-3842.)

On April 26, 1922, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cases and 6 barrels of vinegar, remaining unsold in the original unbroken packages at Wheeling, W. Va., alleging that the article had been shipped by the De Luxe Products Co., Pittsburgh, Pa., in part September 22, and in part December 27, 1921, and transported from the State of Pennsylvania into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The portion of the product contained in the said cases was labeled in part: (Bottle) "De Luxe Brand Pure Cider Vinegar Made From Apple Juice * * * Bottled & Guaranteed by DeLuxe Products Co. N. S. Pittsburgh, Pa. * * *." The remainder of the said product was labeled in part: (Barrel) "De Luxe Products Co. Pittsburgh, Pa. DeLuxe Pure Cider Vinegar."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar, with respect to the article contained in the said cases, and evaporated apple products vinegar and distilled vinegar, with respect to the article contained in the said barrels, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the article. Adulteration was alleged with respect to the article contained in the said barrels for the further reason that it was artificially colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the said article was branded as containing pure cider vinegar, which said branding was false and misleading and deceptive for the reason that it did not contain pure cider vinegar. Misbranding was alleged for the further reason that the article was offered for sale under the said false brand of pure cider vinegar, which is a brand distinct and separate from the true nature and character of the said article.

On June 13, 1922, a decree of the court was entered adjudging the article to be adulterated and misbranded, and ordering that it be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10977. Adulteration and misbranding of flour. U. S. v. 800 Bags, et al, of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16315, 16320, 16328, 16817, 16818. I. S. Nos. 14443-t, 14439-t, 14440-t, 14445-t, 8082-v, 8083-v. S. Nos. W-1084, W-1085, W-1086, W-1089, W-1212, W-1213.)

On May 12, 15, and 17, and September 19, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3,460 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Kalispell Flour Mill Co., Kalispell, Mont., alleging that the article had been shipped from Kalispell, Mont., between the dates of April 25 and August 14, 1922, and transported from the State of Montana into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, variously: "The Royal Milling Co. Rex * * * Kalispell Flour Mill Company, Kalispell Montana. 98 Lbs.;" "100% Strong Diamond Hitch Hard Wheat Flour Manufactured For Royal Milling Co. Great Falls, Mont., Bleached 98 Lbs.;" "Liberty Patent Flour Made From Selected Hard Wheat * * * 98 Lbs. Net When Packed."

Adulteration of the article was alleged in the libels for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing on the labels of the sacks containing the article, to wit, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 18, 24, and 26, and September 19, 1922, respectively, H. H. Cook, San Francisco, Calif., and the Kalispell Flour Mill Co., Kalispell, Mont., having entered their appearance as claimants for the respective portions of the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10978. Adulteration and misbranding of flour. U. S. v. 620 Sacks, et al, of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16458, 16459, 16460. I. S. Nos. 14420-t, 14421-t, 14423-t. S. Nos. W-1115, W-1117, W-1118.)

On June 23, 1922, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,380 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in part by the Kalispell Flour Mills, Kalispell, Mont., on or about June 16, 1922, and in part by the Jennison Mills Co., Williston, N. D., in two consignments, on or about June 9 and 16, 1922, respectively, and transported from the States of Montana and North Dakota, respectively, into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, variously: "Challenger 98 Lbs.," "The Rugby Milling Company World's Best * * * Rugby, North Dakota 98 Lbs. Net When Packed * * *," "Fancy Clear Flour Bar Nun * * * The Jennison Mills Company, Williston, North Dakota, 98 Lbs. Net When Packed Bar Nun."

Adulteration of the Challenger brand flour was alleged in one of the libels for the reason that bleached flour had been substituted wholly or in part for the said article.

Misbranding was alleged in substance with respect to all of the product for the reason that the respective statements appearing on the sacks containing the article, to wit, "98 Lbs." or "98 Lbs. Net When Packed," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 29 and July 14, 1922, respectively, H. H. Cook, San Francisco, Calif., and the Jennison Mills Co., Williston, N. D., having entered their appearances as claimants for the respective portions of the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$5,227.50, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10979. Misbranding of flour. U. S. v. 140 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16542. I. S. No. 14043-t. S. No. W-1130.)

On June 30, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 140 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Richardton Milling Co., Richardton, N. D., and transported from the State of North Dakota into the State of Washington, reaching Seattle on May 6, 1922, and charging misbranding in violation of the Food and Drugs Act, as amended.

The article was labeled in part: (Sacks) "Richardton Milling Company Incorporated Never Fails Fancy Flour * * * Bleached 98 Lbs."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing on the labels of the sacks containing the article, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 14, 1922, the J. A. Campbell Co., Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10980. Adulteration of flour. U. S. v. 610 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16278. I. S. No. 10865-t. S. No. W-1079.)

On or about May 5, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 610 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Waco [Wasco] Warehouse & Milling Co., from The Dalles, Oreg., April 20, 1922, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "Liberty Patent Flour C. A. Hutton Flour Co., Inc. Distributors San Francisco, Cal. Bleached 98 Lbs. When Packed."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

On May 26, 1922, Harold P. Hutton, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the cost of the proceedings and the execution of a bond in the sum of \$1,800, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10981. Adulteration and misbranding of flour. U. S. v. 510 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16279. I. S. No. 10862-t. S. No. W-1078.)

On May 4, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 11, 1922, an amended libel, praying the seizure and condemnation of 510 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Houser & Son, from Pomeroy, Wash., April 18, 1922, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "The Master Baker Manufactured By Houser & Son Pomeroy, Wash. * * * Bakers Flour."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels of the sacks containing the article, "Bakers Flour," was false and misleading and deceived and misled the purchaser.

On June 2, 1922, W. J. Houser and Bertha Houser, copartners, trading as Houser & Son, San Francisco, Calif., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon

payment of the costs of the proceedings and the execution of a bond in the sum of \$1,250, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10982. Adulteration and misbranding of flour. U. S. v. 4,000 Sacks, et al., of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16421, 16422, 16423, 16700. I. S. Nos. 14201-t, 14202-t, 14203-t, 14204-t, 8067-v. S. Nos. W-1100, W-1101, W-1102, W-1103, W-1179.)

On June 17 and August 4, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 6,095 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in part by Kerr Gifford & Co. and in part by the Portland Flouring Mills Co., from Portland, Oreg., between the dates of May 22 and June 1, 1922, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled variously in part: "Olympic Flour Made in U. S. A. By The Portland Flouring Mills Co. Bleached 98 Lbs. Net * * *;" "Victory Bell Flour Manufactured By Kerr Gifford & Co. Inc. Portland, Oregon. Bleached 98 Lbs. Net * * *;" "Magnolia Choice Pastry Flour The Portland Flouring Mills Co. Bleached 98 Lbs. * * *;" "Colonial Flour. * * * Bleached Net Weight 98 Lbs. When Packed;" "Viking Flour Manufactured By Kerr Gifford & Co. Inc. Portland, Oregon * * * 98 Lbs. Net When Packed Bleached."

Adulteration was alleged in the libels, with respect to the Olympic, Victory Bell, and Magnolia brands of flour, for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance, with respect to the Olympic, Victory Bell, Colonial, and Viking brands of flour, for the reason that the respective statements appearing on the labels of the sacks containing the article, to wit, "98 Lbs.," "98 Lbs. Net," or "Net Weight 98 Lbs. When Packed," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 19, August 3, and August 11, 1922, respectively, Kerr Gifford & Co., Portland, Oreg., and the California-Olympic Flour Co., San Francisco, Calif., having entered their appearances as claimants for respective portions of the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10983. Adulteration and misbranding of flour. U. S. v. 500 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16610. I. S. No. 8051-v. S. No. W-1153.)

On July 10, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by R. P. T. Jossem & Son, Holmes, Wash., on or about June 12, 1922, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that water and bleached flour had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 18, 1922, H. H. Cook, San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,100, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10984. Adulteration and misbranding of flour. U. S. v. 3,000 Sacks and 2,200 Sacks of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16617, 16641. I. S. Nos. 8052-v, 8054-v. S. Nos. W-1154, W-1159.)

On July 11 and 18, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5,200 sacks of flour, consigned by the Seattle Flour Mills, Seattle, Wash., remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from Seattle, Wash., in part on or about June 28, 1922, and in part July 17, 1922, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Seattle Flour Mills White Sponge * * * Seattle, Wash. U. S. A. Flour Bleached 98 Lbs. Best Bakers."

Adulteration was alleged in the libel with respect to a portion of the article for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance with respect to both consignments of the article for the reason that the statement appearing on the labels of the sacks containing the said article, to wit, "98 Lbs." or "98 Lbs. Net When Packed," as the case might be, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 13 and 19, 1922, respectively, the Seattle Flour Mills, Seattle, Wash., having entered appearances as claimant for the property through its agent, A. Hillebrandt, and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$21,300, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10985. Misbranding of flour. U. S. v. 1,660 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16640. I. S. No. 8053-v. S. No. W-1157.)

On July 17, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,660 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Rose Flour Mills, from Portland, Oreg., July 6, 1922, and transported from the State of Oregon into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sacks) "Allen's Bakers Flour Manufactured For Allen Flour Company San Francisco Los Angeles, Cal. Bleached Net Weight 98 Lbs. When Packed."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing in the labels of the sacks containing the said article, "98 Lbs." was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 25, 1922, the Allen Flour Co., San Francisco, Calif., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a

good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10986. Adulteration and misbranding of flour. U. S. v. 620 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16651. I. S. No. 8058-v. S. No. W-1162.)

On July 20, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 620 sacks of flour, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the Centennial Mill Co., Spokane, Wash., on or about July 7, 1922, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sack) "Marquis Patent Flour Bleached 98 Lbs."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Lbs.," appearing on the label of the sack containing the article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 31, 1922, the Albers Bros. Milling Co., Oakland, Calif., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10987. Adulteration and misbranding of flour. U. S. v. 1,498 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16667. I. S. No. 8061-v. S. No. W-1165.)

On July 25, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,498 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Crown Mills, Portland, Oreg., July 11, 1922, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sacks) "Allen's Bakers Flour Manufactured For Allen Flour Company, San Francisco—Los Angeles, Cal. Bleached Net Weight 98 Lbs. When Packed."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing on the labels of the sacks containing the article, "98 Lbs.," was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 27, 1922, the Allen Flour Co. having entered an appearance as claimant for the property through its agent, W. V. Byrne, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,600, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10988. Misbranding of flour. U. S. v. 300 Sacks, et al, of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16689, 16743, 16744. I. S. Nos. 8066-v, 8070-v, 8071-v. S. Nos. W-1176, W-1189, W-1190.)

On July 31 and August 10, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2,112 sacks of flour, a portion of which was consigned by the Montana Flour Mills Co., in part from Great Falls, Mont., and in part from Harlowton, Mont., and the remainder of which was consigned by the F. M. Martin Grain & Mills Co., Cheney, Wash., alleging that the article had been shipped in part on July 15, 1922, and in part on or about July 29, 1922, and transported from the States of Washington and Montana, respectively, into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Montana Flour Mills Co. Sapphire Made From Selected Hard Wheat Matured Bleached 98 Lbs. Net." The remainder of the article was labeled in part: "F. M. Martin Grain & Milling Co. Martin's Best Highest Patent Flour Made From Selected Wheat Manufactured at Cheney, Washington. Net Weight 98 Lbs. When Packed. * * * Bleached."

Misbranding of the article was alleged in substance in the libels for the reason that the statement appearing in the labels of the sacks containing the said article, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

An August 3, 11, and 15, 1922, respectively, A. S. Ferguson, San Francisco, Calif., the F. M. Martin Grain & Milling Co., Cheney, Wash., and W. F. Williams, San Francisco, Calif., having entered their appearances as claimants for the respective portions of the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10989. Adulteration and misbranding of flour. U. S. v. 100 Sacks, et al, of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16673, 16770. I. S. Nos. 8065-v, 8072-v, 8073-v. S. Nos. W-1168, W-1200, W-1201.)

On July 27 and August 24, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 400 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Astoria Flouring Mills Co., from Astoria, Oreg., in part July 19, and in part August 9, 1922, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding with respect to a portion of the said flour and misbranding with respect to the remainder, in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Airola * * * Made for Bakers Exclusively Pure Hard Wheat Flour Manufactured By Astoria Flouring Mills Co. Astoria, Oregon. Bleached Net Weight 98 Lbs. When Packed." The remainder of the said article was labeled in part: "Golden Wave Flour Manufactured by Astoria Flouring Mills Co., * * * 98 Lbs. When Packed."

Adulteration was alleged in the libels with respect to the Airola brand flour for the reason that water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance with respect to both brands of the article for the reason that the statement appearing on the labels of the sacks containing the said article, "98 Lbs.," was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On August 15 and September 2, 1922, respectively, the Astoria Flouring Mills Co., claimant, having consented to the entry of decrees, judgments of con-

demnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the sum of \$1,325, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10990. Misbranding of Woods V. tabules. U. S. v. 22 Boxes of Woods V. Tabules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14129. S. No. C-2653.)

On January 1, 1921, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on January 8, 1922, an amended libel, praying the seizure and condemnation of 22 boxes of Woods V. tabules, at Shreveport, La., alleging that the article had been shipped by Edward J. Woods, New York, N. Y., on or about March 5, 1919, and transported from the State of New York into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained zinc phosphid, strychnine, and extract of plant drugs, including a laxative drug, coated with sugar and calcium carbonate and an outer covering of silver.

Misbranding of the article was alleged in substance in the libel as amended for the reason that the following statements appearing in the labeling of the said article, regarding its curative and therapeutic effects, (carton) "V * * * Invigorant Stimulant * * * Sustainer * * *" (box) "Extra Potency * * * V Tabules * * * Stimulant * * * Strengthenner * * * Add Joy To Your Life * * *," (yellow circular) "Wonderful Strengthenner * * * V Tabules The V stands for Vigor. 'Woods Vigor Tabules.' 'Worth Their Weight In Gold,'" (circular headed "See What a Few Boxes of Woods V Tabules May Do") "Woods V Tabules * * * are what a man of manly nature wants to make him mentally and physically vigorous. They are what an ambitious woman wants to aid in making her vivacious and attractive. *They make life worth living!* * * * Overcome lethargy, acquire physical and mental efficiency. *Enjoy life*—every minute of it. * * * Away with Melancholy! * * * The person who ignores the laws of Nature * * * might have been saved all the misery of bad health and melancholia if he had used Woods V Tabules and relied upon * * * them," (green circular) "An Extremely Efficacious Reconstructive Remedy * * * When there is inability to think clearly * * * use Woods V Tabules. For nervous debility * * * lack of enthusiasm * * * inability to look others in the eyes, feeling of being conspired against or followed and hounded by enemies, enervation of mind or body, inability to conduct oneself cleverly enough to gain and maintain the affection of one of the opposite sex * * * for these or any other mental or physical condition where real stimulation and energy are required—try Woods V Tabules. For * * * cheerfulness, new vitality, virility and all-round manly (or womanly) strength—try Woods V Tabules. * * * Vitality Is Needed * * * Wonderful results are attributed to Woods V Tabules. * * * An effective aphrodisiac and general stimulant * * * overcoming weakness, particularly when due to excesses of liquor and tobacco, failure of mental power, weakening due to personal indiscretions, melancholia, sexual exhaustion, nervous debility, neurasthenia and other disorders of similar class. * * * remedy for weakness, brain fag, exhaustion due to excesses, impotence, lacking of courage or vigor, and general debility. * * * A highly concentrated nerve stimulant and diuretic. * * * rarely need more than four Tabules be taken in one day for even the most obstinate cases. * * * the first one proves its remarkable invigorative and health-improving potency * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effect claimed. Misbranding was alleged for the further reason that the following statement appearing in the said green circular, "Woods V Tabules are guaranteed by Edward J. Woods, Inc., under the United States Pure Food & Drugs Act," was false and misleading.

On May 22, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10991. Misbranding of Cadomene tablets. U. S. v. 30 Bottles, et al, of Cadomene Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14160, 14276, 14277. S. Nos. E-3043, E-3072, E-3073.)

On January 10 and 28, 1921, respectively, the United States attorney for the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 79 bottles of Cadomene tablets, in part at Binghamton, N. Y., and in part at Utica, N. Y., alleging that the article had been shipped by the Blackburn Products Co., Dayton, Ohio, in various consignments, on or about April 12, June 5, and July 16, 1920, respectively, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Invigorating * * * for the Treatment of * * * Neurasthenia (Nerve Exhaustion), General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other Symptoms due to * * * Worry, Grief, Intemperance, Dissipation, Overwork, Mal-Nutrition, Convalescence from Influenza, Etc.," (circular) "the benefits to be derived from their use, are such as to recommend them to all who may be afflicted with * * * Neurasthenia, Nervous Exhaustion, General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other symptoms due to * * * Worry, Grief, Intemperance, Dissipation, Mal-Nutrition, Overwork, Etc. * * * valuable for those who are despondent, nervous, irritable and unable to act naturally under the most ordinary circumstances."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained zinc phosphid, strychnine, and an iron salt, coated with calcium carbonate and colored lavender.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements, appearing in the label of the bottle containing the article and in the accompanying circular, regarding the curative and therapeutic effect of the said article, were false and fraudulent in that it contained no ingredients or combination of ingredients capable of producing the effect claimed.

On June 30, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10992. Adulteration and misbranding of vinegar. U. S. v. 73 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14667. I. S. No. 1568-t. S. No. C-2883.)

On March 21, 1921, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 73 barrels of vinegar at Cincinnati, Ohio, consigned by the National Vinegar Co., Palatine Bridge, N. Y., October 11, 1920, alleging that the article had been transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "New York State Pure Cider Vinegar Reduced to New York State Standard 4 Percentum J. C. Vosburgh, Canajoharie New York."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar and dried apple products vinegar had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed and packed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statement, "Pure Cider Vinegar," was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On December 29, 1921, John C. Vosburgh, Canajoharie, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in

conformity with section 10 of the act, conditioned in part that it be relabeled and rebranded in a manner satisfactory to this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10993. Misbranding of Cholerine. U. S. v. Germino Mfg. Co., a Corporation. Plea of guilty. Fine, \$101. (F. & D. No. 14913. I. S. Nos. 3122-r, 3123-r.)

On August 10, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Germino Mfg. Co., a corporation, Los Angeles, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 19, 1920, from the State of California into the State of Oregon, of quantities of Cholerine, a portion of which, in liquid form, was contained in bottles, and the remainder of which, in tablet form, was contained in sacks, all of which were misbranded. The bottles were labeled in part: "Cholerine * * * Germino Manufacturing Co., Los Angeles, Cal." The sacks were labeled in part: "Cholerine For Fowls * * * Germino Manufacturing Company Germino Building Los Angeles, U. S. A."

Analyses of samples of the article, by the Bureau of Chemistry of this department, showed that the liquid consisted essentially of small proportions of magnesium sulphate, iron sulphate, sulphuric acid, and extract of red pepper, with a large proportion of water (96 per cent), and some undissolved iron oxid, and that the tablets consisted essentially of magnesium sulphate, iron sulphate, iron oxid, aluminium silicate, a calcium compound, gum, and milk sugar, flavored with saffrol.

Misbranding of the article was alleged in substance in the information for the reason that certain statements appearing in the labels of the bottles containing a portion of the said article, and certain statements appearing on the cartons and sacks containing the remainder of the article and in the circulars enclosed in said cartons, regarding the curative and therapeutic effect of the said article, falsely and fraudulently represented that the product contained in said bottles was effective as a remedy and cure for cholera, roup, limberneck, white diarrhea, and other germ diseases in poultry, and that the product contained in said sacks was effective as a remedy, treatment, and cure for chickenpox, roup, cholera, limberneck, and white diarrhea in poultry and for worms and cholera in hogs, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On June 5, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$101.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10994. Misbranding of Lung Germine. U. S. v. 12 Bottles and 20 Bottles of Lung Germine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15163, 15225. I. S. Nos. 1034-t, 3386-t. S. Nos. C-3116, C-3131.)

On July 21 and 22, 1921, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 32 bottles of Lung Germine, in part at Wichita and in part at Atchison, Kans., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about March 23 and August 27, 1920, respectively, and transported from the State of Michigan into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid and water, with small amounts of iron sulphate, alcohol, and materials derived from cod-liver oil and spices.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing in the labels of the bottles and cartons containing the article, to wit, (bottles) " * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In pre-tubercular Stages) * * * Use no other lung medicine while using Lung Germine. Read carefully the circular accompanying this bottle," (carton) " * * * Your Lungs Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit

yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symptoms. Keep Lung Germine in your home ready for immediate use at the first sign of Membranous Lung Disease or Bronchial Irritation * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In pre-tubercular stages)," and the following statements appearing in a booklet or circular accompanying a portion of the said article, " * * * What You Want To Know About Lung Germine As a sufferer from mucous membrane affections of the lungs and bronchial irritation, readily susceptible to the primary or pre-tubercular stage of pulmonary consumption, you are deeply interested in learning all that you can about any medicine or treatment for relieving these distressing afflictions. * * * What To Do For Hemorrhage * * * bleeding from the lung * * * What To Do For Persistent Night Sweats Night Sweats are a commonly recognized symptom of tuberculosis * * * Consumption * * * Tuberculosis * * * tubercle bacilli * * * germs of tuberculosis * * *," regarding the curative or therapeutic effect of the said article, were false and fraudulent, and the said statements were applied to the article so as to represent falsely and fraudulently and to create in the minds of purchasers thereof the impression and belief that it was effective to produce the therapeutic effects claimed therein, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing such effects.

On February 16 and 17, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10995. Adulteration of oranges. U. S. v. 294 Cases of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15803. I. S. No. 942-t. S. No. C-3460.)

On March 10, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 294 cases of oranges, consigned on or about February 24, 1922, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the California Fruit Growers' Exchange, from Prenda, Calif., and transported from the State of California into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red Crescent Brand Arlington Heights Fruit Co., Riverside, California."

Adulteration of the article was alleged in the libel for the reason that it consisted of a decomposed vegetable substance.

On March 14, 1922, the United Fruit Auction Co., Cincinnati, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, and the bad portion separated so as to show that it was not for human consumption and the good portion released to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10996. Adulteration and misbranding of tankage. U. S. v. 140 Sacks and 150 Sacks of Tankage. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15824, 15825. I. S. No. 18451-t. S. No. C-3494.)

On March 31, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 290 sacks of tankage, remaining in the original unbroken packages, in part at Chula, Mo., and in part at Laredo, Mo., alleging that the article had been shipped by the Fred K. Chandler Feed Co., Des Moines, Iowa, on or about March 14, 1922, and transported from the State of Iowa into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sack) "100 Pounds Net, Chandler's High Grade Digester Tankage, Guaranteed Analysis Protein 61% * * * Fred K. Chandler Feed Company, Des Moines, Iowa."

Adulteration of the article was alleged in the libels for the reason that a substance containing approximately 42.74 per cent of protein had been substituted wholly or in part for an article containing 61 per cent of protein.

Misbranding was alleged for the reason that the statement on the label of the sack containing the article, "Protein 61%," was false and misleading and deceived and misled the purchaser.

On April 13, 1922, the Chandler Milling & Manufacturing Co., Des Moines, Iowa, claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department in part as follows, "Bone Tankage Analysis, Protein 43%, Fat 9%, Fiber 3½%."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10997. Adulteration of oranges. U. S. v. 462 Boxes, et al, of Oranges. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15807, 15808, 15827. I. S. Nos. 1802-t, 1803-t, 1806-t. S. Nos. C-3445, C-3467, C-3482.)

On February 27, March 14, and March 21, 1922, respectively, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,386 boxes of oranges, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped in part by the California Fruit Growers' Exchange, from La Verne and Prenda, Calif., on or about March 2, 1922, and in part by the Stewart Fruit Co., from Riverside, Calif., on or about February 17, 1922, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously in part: "Wash. Navels Red Crescent Brand Arlington Heights Fruit Co. Riverside, California;" "Parent Tree Brand Packed by Mutual Packing Company, Riverside-Orange-Lindsay, Cal;" "Washington Navels Begonia of La Verne Grown and Packed by La Verne Orange Association, La Verne, Los Angeles Co. Calif."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 2, 16, and 23, 1922, respectively, the Stewart Fruit Co., Evans & Peppers, a copartnership consisting of O. C. Evans and E. H. Peppers, and Peycke Bros. Commission Co. having entered their appearances as claimants for the respective portions of the property, and having admitted the allegations of the libels and consented to the entry of decrees for the condemnation and forfeiture thereof, judgments of the court were entered ordering that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$4,300, in conformity with section 10 of the act, conditioned in part that the product be salvaged under the supervision of this department, the bad portion destroyed and the good portion released to the claimants without condition.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10998. Adulteration and misbranding of butter. U. S. v. 4 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15835. I. S. No. 8140-t. S. No. E-3836.)

On April 5, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases of butter, remaining in the original unbroken packages at Allentown, Pa., consigned by Minnesota Creamery & Produce Co., St. Paul, Minn., alleging that the article had been shipped from St. Paul, Minn., on or about March 14, 1922, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butter fat, had been wholly or in part abstracted.

Misbranding was alleged in substance for the reason that the label on the carton containing the article bore the statement, to wit, "Creamery Butter

Minnesota Creamery and Produce Co.," regarding the article and the ingredients and substance contained therein, which was false and misleading in that the said statement indicated to the purchaser that the cartons contained creamery butter when in fact they did not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 24, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10999. Misbranding of cane and maple sirup. U. S. v. 27 Cans, et al, of Cane and Maple Sirup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15977. I. S. Nos. 4503-t, 4504-t, 4505-t. S. No. C-3428.)

On February 13, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 27 cans, 10 pounds each, 134 cans, 5 pounds each, and 163 cans, 2½ pounds each, of cane and maple sirup, remaining in the original and unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Vincent Syrup Co., Denver, Colo., January 13, 1922, and transported from the State of Colorado into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "A No. 1 Vincent's Leader Cane and Maple Syrup * * * Vincent Syrup Co., Denver, Colo. 10 Lbs. Net" (or "5 Lbs. Net" or "2½ Lbs. Net").

Misbranding of the article was alleged in substance in the libel for the reason that the respective statements, appearing on the various sized cans containing the article, to wit, "10 Lbs. Net," or "5 Lbs. Net," or "2½ Lbs. Net," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements thereon were incorrect.

On May 20, 1922, the Vincent Syrup Co., Denver, Colo., and the Piggly Wiggly Minnesota Co., having entered their appearances as joint claimants for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the cans be refilled or relabeled so as to comply with the provisions of the said act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11000. Adulteration of tomato paste. U. S. v. 68 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond for export. (F. & D. No. 14692. I. S. No. 6371-t. S. No. E-3189.)

On April 1, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 68 cases of tomato paste, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Serto Packing Co., from Centerville, Md., on or about September 21, 1920, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Concentrato di Pomodoro Made in U. S. A. * * * 12 Ozs. Net Concentrated Tomato Serto Brand Packed by Serto Packing Co. New York."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 13, 1922, the Serto Packing Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be exported under the representation that it was adulterated contrary to the said act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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